

Planning Commission Date: June 14, 2006

Item No. 1.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report prepared by: Cindy Hom

Public Hearing: Yes: X No: _____

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TITLE: USE PERMIT NO. UP2006-2

Proposal: A request for approval to add sales of all types of alcohol in conjunction with an existing convenience store.

Location: 1491 South Main Street (APN 86-18-052)

RECOMMENDATION: Approve with conditions

Applicant: Aslam Ali, 1491 South Main Street, Milpitas, CA 95035

Property Owner: Same as above

Previous Action(s): "S" Zone approval and amendments, use permit, and subsequent denials

Environnemental Info: Categorically exempt from further environmental review pursuant to Class 1, Section 15301 ("Existing Facilities"—"... permitting, ... licensing ... of existing ... private structures ... involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination") of the California Environmental Quality Act (CEQA) Guidelines.

General Plan Designation: General Commercial

Present Zoning: General Commercial (C2) with "S" Combining District

Existing Land Use: Convenience store

Agenda Sent To: Applicant and property owner
Richard Warren, 929 Fresno Avenue, Berkley, CA 94707
Bob Sylvia, ABC Consulting, 3984 Washington Blvd. #126,
Fremont, CA 94538

Pat Forrest, Starlite Pines HOA, 3851 Charter Park Drive, San Jose, CA 95136

Russ Bargstadt, 1307 Stardust Way, Milpitas, CA 95035

Mike and Sally Novontny, 36 Greentree Way, Milpitas, CA 95053

Attachments:

- 1) Site plan, Letter from Applicant,
- 2) Copies of public comments and inquiries received from neighboring residents, property owners, and businesses regarding the project, Flier distribute at the May 1, 2005 Annual HOA meeting,
- 3) Letter dated May 25, 2006 from Pines HOA,
- 4) Letter dated May 4, 2005 from Bob Sylvia,
- 5) Letter dated May 29, 2006 from Mike and Sally Novotny,
- 6) Memo dated February 16, 2006 from Milpitas Police Department.
- 7) Letter dated June 1, 2006 from Mrs. Fe Aurelia Doyle

PJ No.

2450

BACKGROUND

In 1978, the Planning Commission approved an "S" Zone Application for the construction of a 3,632 square foot liquor store located at 1491 South Main Street. In 1980, the City issued a Certificate of Occupancy for the establishment of Jerry's Deli, a convenience market and deli, which sells beer and wine for off-site consumption. Subsequent use permit applications for off site sales of hard liquor went before the Planning Commission and City Council between 1980 and 2000 and were not approved. Provided below is a chronological overview of past requests related to the sales of alcohol:

1980 – Jerry Cusick, first property owner, applied for Use Permit #465 to sell alcohol for on-site consumption; this permit was denied by the Planning Commission and the denial was upheld on appeal by the City Council.

1982 – Jerry Cusick applied for Use Permit #540 to allow for on-site consumption of alcohol, which was denied by Planning Commission and upheld on appeal by the City Council.

1995 – Charlie Siripakdi bought the property and the business. In November 1995, Mr. Siripakdi applied for Use Permit # 540-Amendment to allow him to expand the business to include hard alcohol sales for off-site consumption. The Planning Commission denied this Use Permit Application.

1996 – Charlie Siripakdi applied and received Planning Commission approval for an "S" Zone Amendment Application for exterior modifications that included:

- Repainting the stucco portion of the building from bright yellow to a neutral color

- Removing illegal banner signs and flags
- Removing graffiti from the building and surrounding wall
- Landscaping the property
- Repairing the wooden fence along the back of the property and constructing a 2-foot wooden extension along the top the existing 6-foot tall masonry wall that separates the rear parking area and the Starlite Pines residential common area and also repair the existing trash enclosure
- Installation of security cameras within the parking lot

1997 - Charlie Siripadki applied for Use Permit #1413 to allow for off-site sales of hard liquor and was denied by the Planning Commission and upheld on appeal by the City Council.

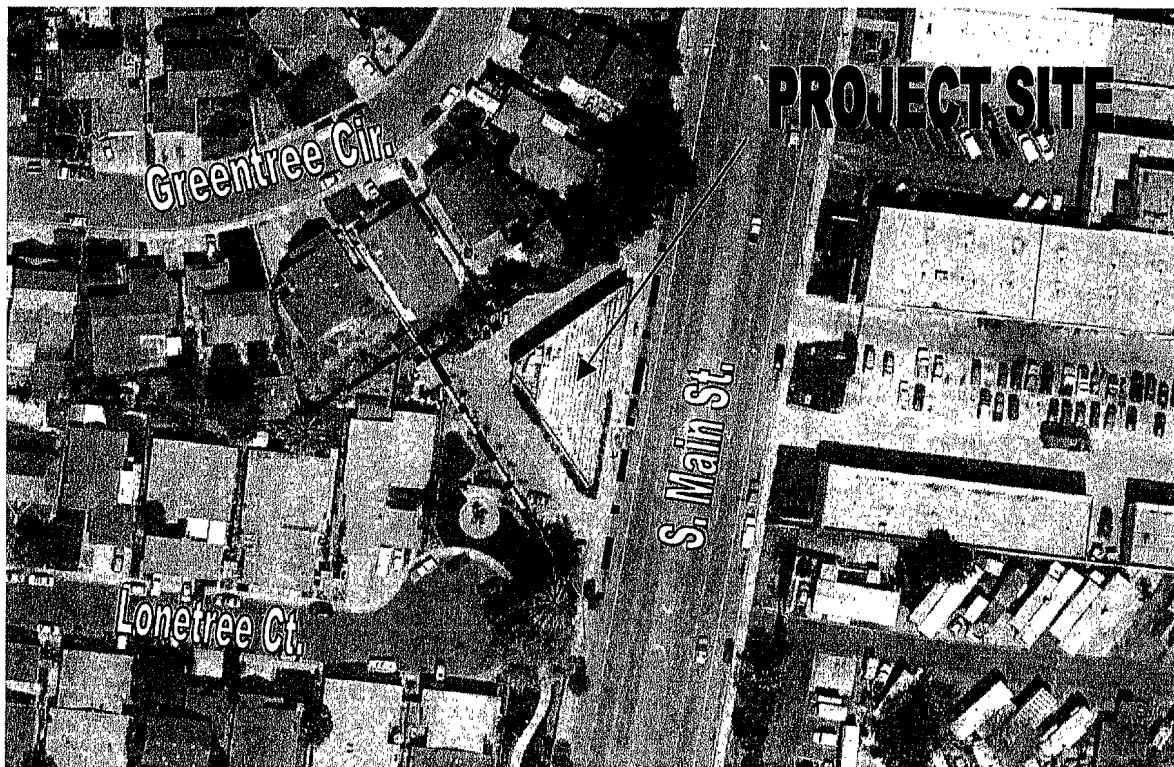
1999 – Charlie Siripadki applied and received Planning Commission approval for Use Permit # 1495 which allowed for a kitchen/take out area and a parking reduction. However, the improvements were never installed and the permit has since expired.

2000 – Kathy Le applied for Use Permit Amendment #540-A to allow for off site consumption of all types of alcohol and later withdrew the application.

2006 – Aslam Ali, current owner, submitted an application for Use Permit No: UP2006-2 to allow sales of all types of alcohol in conjunction with an existing convenience store. This is the current application before the Planning Commission.

Site Description

Jerry's Market is located on a .51-acre site and is situated between the Starlite Pines residential common area and South Main Street. An 8-foot tall fence runs along the rear property line and separates the rear yard of residential home to the north, the east edge on the residential common area of Lonetree Court, and the rear parking lot area of Jerry's Market. Provided below is an aerial photo of the subject site:



The surrounding land uses include single-family homes to the north, west and south. East of the project site is South Main Street and various automotive repair shops, a mobile homes park, and a motel.

The project site is currently zoned General Commercial (C2). Adjacent zoning districts include: Single Family Residential (R1-6) Zoning District to the west and Multi-Family, Very High Density Residential (R4) to the east. Currently the City has received a Planning application to redevelop the motel and mobile home sites to Multi-Family residential dwellings.

THE APPLICATION

The application has been submitted pursuant to Section 19.03-20 (General Commercial, Conditional Uses, Liquor stores) and Section 57.00 (Conditional Uses Permitted by the Commission) of the Milpitas Zoning Ordinance. The applicant is requesting approval for a conditional use permit to allow sales of all types of alcohol in conjunction with an existing convenience store (Jerry's Market). The sale of beer and wine for off-site consumption is currently allowed as a legal non-conforming use. Based on the Planning files, the 1982 use existed prior to the Zoning requirement for a Conditional Use Permit. The applicant maintains that the use of the site will remain a convenience market and that the sale of alcohol products will be secondary to the sale of convenience and food items.

Currently, store hours of operation are 6:00 a.m. to 2:00 a.m. daily. According to the floor plans, several coolers and shelves totaling 210 square feet will be allocated to the display of various alcoholic beverages. No other changes are proposed with this application.

ISSUES

Conformance with the General Plan

The proposed project complies with the City's General Plan in terms of land use. The proposed use does not conflict with any General Plan Principles and Policies, and is consistent with Implementing Policy 2.1-I-3, which encourages economic pursuits that will strengthen and promote development through stability and balance. It is also consistent with Policy 2.a-I-6, which encourages a balanced economic base that can resist downturns in any one economic sector.

Conformance with the Zoning Ordinance

The proposed project is consistent with the provisions of the General Commercial (C2) Zoning Ordinance and development standards. The sale of all types of alcohol is conditionally permitted in the C2 Zoning District upon Planning Commission review and approval. The convenience market is consistent with the intent of the C2 Zoning District and provides for the general commercial needs of the automobile customer.

Community Concerns/Neighborhood Impacts

As part of the review for this Use Permit, the Planning Commission must make the finding that the proposed use and location will not be detrimental or injurious to property, public health, safety and welfare. Given the past request for sales of all types of alcohol were denied by Planning Commission and upheld by City Council for negative neighborhood impacts and community opposition, staff conveyed this concern to the applicant and suggested to the applicant to withdraw the application. However, the applicant wanted to pursue the request because he felt that he is a responsible business operator and possesses a strong interest to be a good neighbor and active community member.

Public Outreach

As part of this application, staff required the applicant to hold a community meeting with the Pines HOA. The purpose of the community meeting was to gather input and feedback from the community. Staff assisted the applicant with the coordination of the community meeting with the Pines HOA. It was recommended by the HOA President to hold the community meeting at its May 2, 2006 Annual HOA meeting to obtain the best turn out. Staff prepared courtesy notices to the residents on behalf of the applicant. Approximately 100 people attended the meeting and thirteen people spoke on the issue. Concerns that were expressed during the meeting included loitering, gathering of people, vandalism, nuisances, littering, and the potential to increase criminal activity in and around the common area and Jerry's Market's back parking lot. Residents were also expressed concern about the proximity to Zanker Elementary School and the path of travel for middle and high school students as well as inmates that are released from Elwood Correctional Facility. Staff also received a flier that listed additional concerns including over concentration of existing establishments that sell hard liquor within a two mile radius of Jerry's Market and incompatibility with the Midtown Specific Plan for a vital downtown core for high density residential and suitable and attractive commercial development.

The applicant has demonstrated a continuous effort to work with the Pines residents and has met with the Pine HOA on several occasions. The applicant has scheduled a meeting with the Pines HOA on June 12, 2006 to propose conditions that will be part of the approval of the use permit application and to obtain HOA support. Staff is recommending approval with conditions provided the applicant obtains the HOA support. The outcome of the meeting will be provided in memo and distributed to Planning Commission at the meeting. The proposed conditions include:

1. REDUCED HOURS OF OPERATION: Jerry's Market is presently allowed to be open from 6:00 a.m. to 2:00 a.m. The applicant is willing to accept a condition that requires them to close at Midnight every night.
2. CLOSURE OF THE BACK PARKING AREA: The applicant is willing to accept a condition that requires the parking lot to be closed off at 10:00 p.m.
3. ADD "GOOD NEIGHBOR" SIGNS: Applicant will add "Good Neighbor" signs in the parking lot to remind our customers to avoid loud noise and music that might disturb nearby neighbors.
4. LITTER AND GRAFFITI PREVENTION: The applicant will pick up litter and paint over graffiti twice each day and enter into an agreement to pay to the Starlite Pines HOA, the cost of one person to regularly pick up litter from the common areas behind the common wall.
5. IMPROVE VIDEO SURVEILLANCE OF PARKING AREA: Applicant shall install two more cameras (4 total) to give complete coverage of the parking area and will keep the video recordings for 14 days and make them available to law enforcement upon request. The applicant will be open to providing and maintaining cameras that will view the HOA side of the common wall if an agreement with the HOA can be reached.
6. SIGNS NOT TO LOITER AND NO DRINKING OF ALCOHOL: Applicant will provide improved signs reminding customers not to loiter and prohibit any drinking of alcohol on our property.
7. REPAIR OF COMMON WALL: Applicant agrees to offer to contribute \$10,000.00 to the HOA to be used for the repair of the common wall on our property line.
8. LIMITING FLOOR AREA THAT MAY DISPLAY ALCOHOLIC BEVERAGES: The applicant agrees to limit no more than 45% of the customer floor area for display of alcoholic beverages.

Included with the staff report are letters of support as well as letters of opposition to the proposed use permit. The applicant has also provided staff with a petition that includes 445 signatures in support of the application.

Staff Analysis of Neighborhood Impacts

In the process of evaluating the above concerns, Staff met with the Police Department and Code Enforcement Section to identify and assess if the neighborhood impacts are still prevailing. According to the memo dated February 16, 2006 from the Milpitas Police Department, 102 incidents reported in the last two years. Of the 102 incidents reported, twelve (12) were related

to Jerry's Market. Provided in the proceeding table is a list of incident and number of occurrences:

Table 1: Reported Incidents related to 1491 S. Main Street

<i>Incident</i>	<i># of Occurrences</i>
Audible alarm	4
Silent alarm	2
Man Down	1
Meet the Citizen	16
Suspicious Person	2
Recovered Stolen Vehicle	1
Person Stop-Send Fill	9
Abandon Vehicle	1
Traffic Hazard	1
Suspicious Vehicle	2
MVA Minor Injury	2
MVA non injury	1
Vehicle Stop No Fill	2
Vehicle Stop Send Fill	11
Disturbance	1
Fight	1
Police Patrol Detail	1
Private Property Tow	1
Theft Report	2
Transient Problem	1

*The items shown in bold relate to Jerry's Market.

As mentioned previously, the applicant feels he is a responsible business operator compared to previous owners. Staff inquired with the Police Department to determine if there was a reduction in the number of incidents in the last five years. Staff analysis of the incident report provided by the Police Department is illustrated in the preceding table:

Table 2: Incidents related to Community Concerns for the Last Six Years

	2001	2002	2003	2004	2005	2006
1) MEDICAL AID	2	3	2	0	1	0
2) MOTOR VEHICLE ACCIDENT	0	1	0	0	1	3
3) 911	8	5	9	17	17	2
4) DISTURBANCE	3	2	1	2	1	1
5) VEHICLE STOP SEND FILL	2	0	2	1	9	4
6) PERSON STOP SEND FILL	1	3	1	2	7	6
7) VANDALISM	0	1	0	0	0	0
8) TRANSIENT PROBLEM	0	1	0	0	1	1
9) FIGHT	1	1	0	0	0	1
10) LOUD NOISE	3	0	0	2	3	4
11) DRUNK	0	0	0	1	1	0
12) MEET THE CITIZEN	0	2	0	1	12	7
13) MAN DOWN	0	0	0	0	1	1

The City's Code Enforcement Officer indicated that there were no open service requests related to Jerry's Market in the last few years. The search concluded there were 7 cases that were opened for Jerry's Market, 4 for graffiti, 2 for newsstands obstructing the sidewalk and a sign code violation. The last case was opened and resolved in March of 2001. However, Code Enforcement does have service requests for graffiti for the surrounding residential area. While abating graffiti, staff has observed debris left behind at the scene of tagging. Along with the empty paint cans is the litter of junk and convenience food wrappings, cigarette butts and empty wine, beer, and soda containers. Many businesses within the vicinity have signed waivers with the City's Graffiti Terminator Program, which utilize volunteers to abate graffiti.

Staff conducted a site visit and did not observe any littering, vandalism, broken bottles, empty beer cans, graffiti or drug paraphernalia. The common area was relatively well maintained. The back parking lot was also relatively maintained and clean. However, Staff did notice that Jerry's Market is not in keeping with the approved plans and *recommends* repainting of the stucco portion of the building from yellow to a neutral color, removal of all illegal signage from masonry fence and building elevation; and repairing the masonry fence. As conditioned, the applicant shall implement litter and graffiti prevention measures in perpetuity.

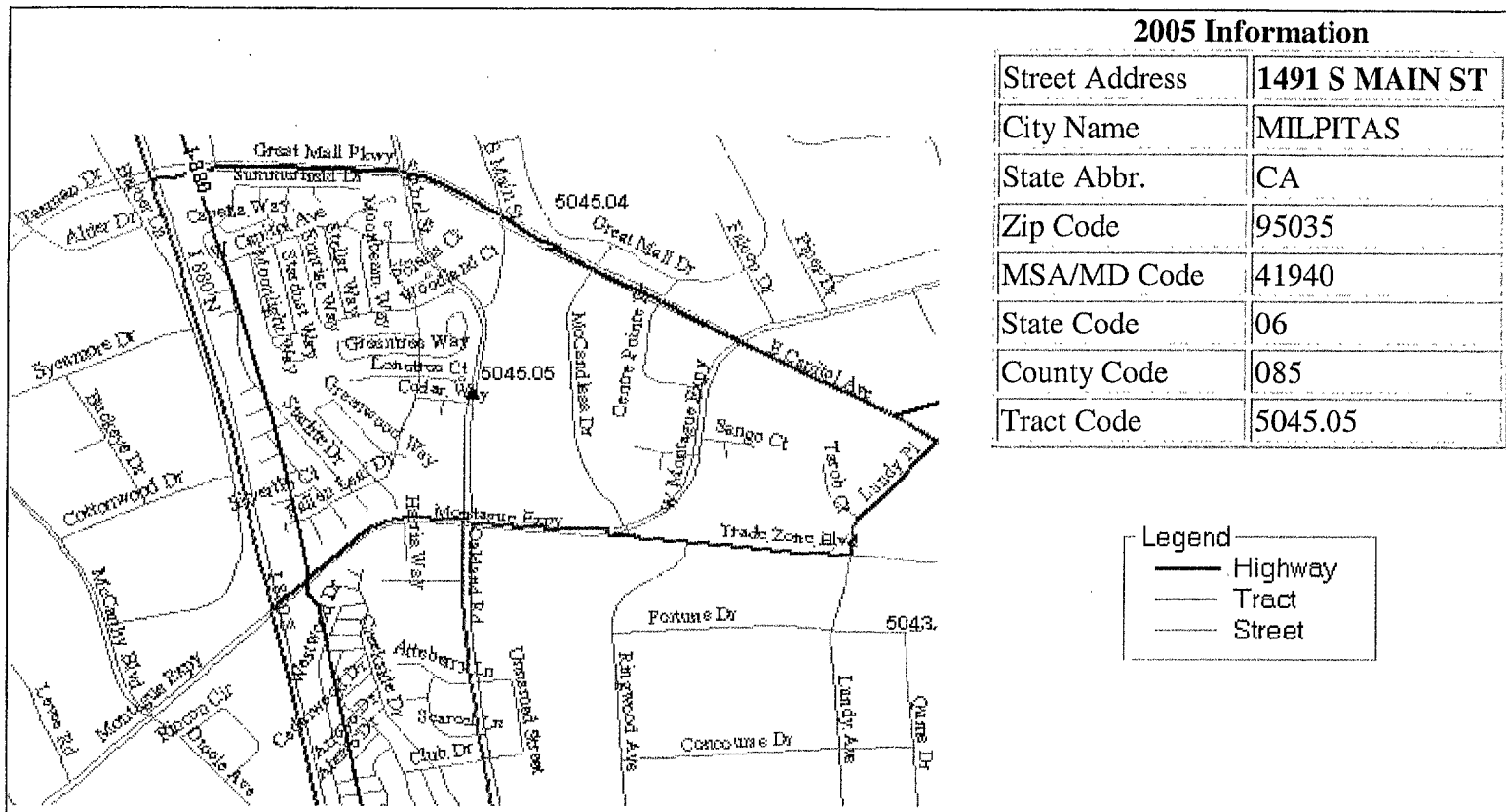
ABC Licensing Requirements

ABC has the ability to deny any retail liquor license located in the immediate vicinity of churches and hospitals, or within 600 feet of schools, public playgrounds and nonprofit youth facilities if the normal operation of the licensed premises will be contrary to public welfare and morals. However, proximity by itself is not sufficient to deny the license. Additionally, ABC will not license a new retail location within 100 feet of a residence unless the applicant can establish that the operation of the proposed premises will not interfere with the quiet enjoyment of the property by residents. In addition, the ABC liquor license requires City approval.

To address the above provisions, the applicant has provided staff with a letter of support from the principal of Zanker School. In the past, the Milpitas Unified School District has indicated that they had no particular concern with Jerry's Deli in relation to school age children. As conditioned, the project will not interfere with the quiet enjoyment of the property by residents and will mitigate concerns relating to graffiti, nuisances, littering, increasing security, and deterrence of crime activity.

Robert Martin, the ABC officer assigned to this application request for Jerry's Market, indicated it is not located within an "Undue Concentration Area". Boundaries are determined by census tract boundaries. Currently there is one active license within the census tract and that is currently issued to Jerry's Market's license for off site consumption of beer and wine. Furthermore, the City's Zoning Ordinance does not restrict or limit the number liquor store establishment or number of liquor license within an area or require a certain distance requirement between similar establishments. Provided in the Exhibit below is map of the census tract boundary for Jerry's Market

Exhibit I: Census Tract Map



Conformance with the Midtown Plan

The applicant is proposing to add alcohol sales to an existing convenience market. Since the project will not require additional parking, or propose modifications that increase the floor area, or propose new building construction, the application is not subject to site and architectural upgrades as required by the Midtown Specific Plan.

Conformance with CEQA

The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 ("Existing Facilities"—"... permitting, ... licensing ... of existing ... private structures ... involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination") of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION

Close the Public Hearing. Approve Use Permit Amendment No. UP2006-2 based on the Findings and subject to the Recommended Special Conditions below.

FINDINGS

1. The proposed project is consistent with the General Plan in terms of land use and Policies 2.a-I-6 and 2.1-I-3, which encourage economic pursuits that strengthen and promote stable and harmonious development that can resist downturns in any one economic sector. In addition, the proposed use is conditionally permitted in the General Commercial (C2) district and provides for the general commercial needs of the automobile customer.
2. The proposed use conforms to the intent and specific requirements of the Midtown Specific Plan, including the applicable Development Standards and Design Guidelines.
3. As conditioned, the use is not anticipated to increase in noise levels, odors, negatively impact parking, generate additional traffic, and will improve neighborhood compatibility. Therefore will not be detrimental or injurious to the public health, safety and general welfare.
4. The proposed project is not located within an "Undue Concentration of Liquor License" area.
5. The project provides a public convenience for patrons given the area is anticipated to grow with the addition of new residential units.
6. The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities) of the State CEQA Guidelines.

SPECIAL CONDITIONS

1. This Use Permit Approval No. UP2002-2 is to add sales of all types of alcohol in conjunction with an existing convenience market. Any changes to the floor plan or to any of the conditions of approval require Planning Commission approval of an amendment to this use permit and a public hearing. (P)
2. Applicant shall post and maintain on the premises and in the parking lot signs, no less than eighteen inches by twenty-four inches (18"x24") in size, clearly visibly to the patrons and parking lot, and to persons on the public sidewalk stating in 2 inch (2") lettering the following:

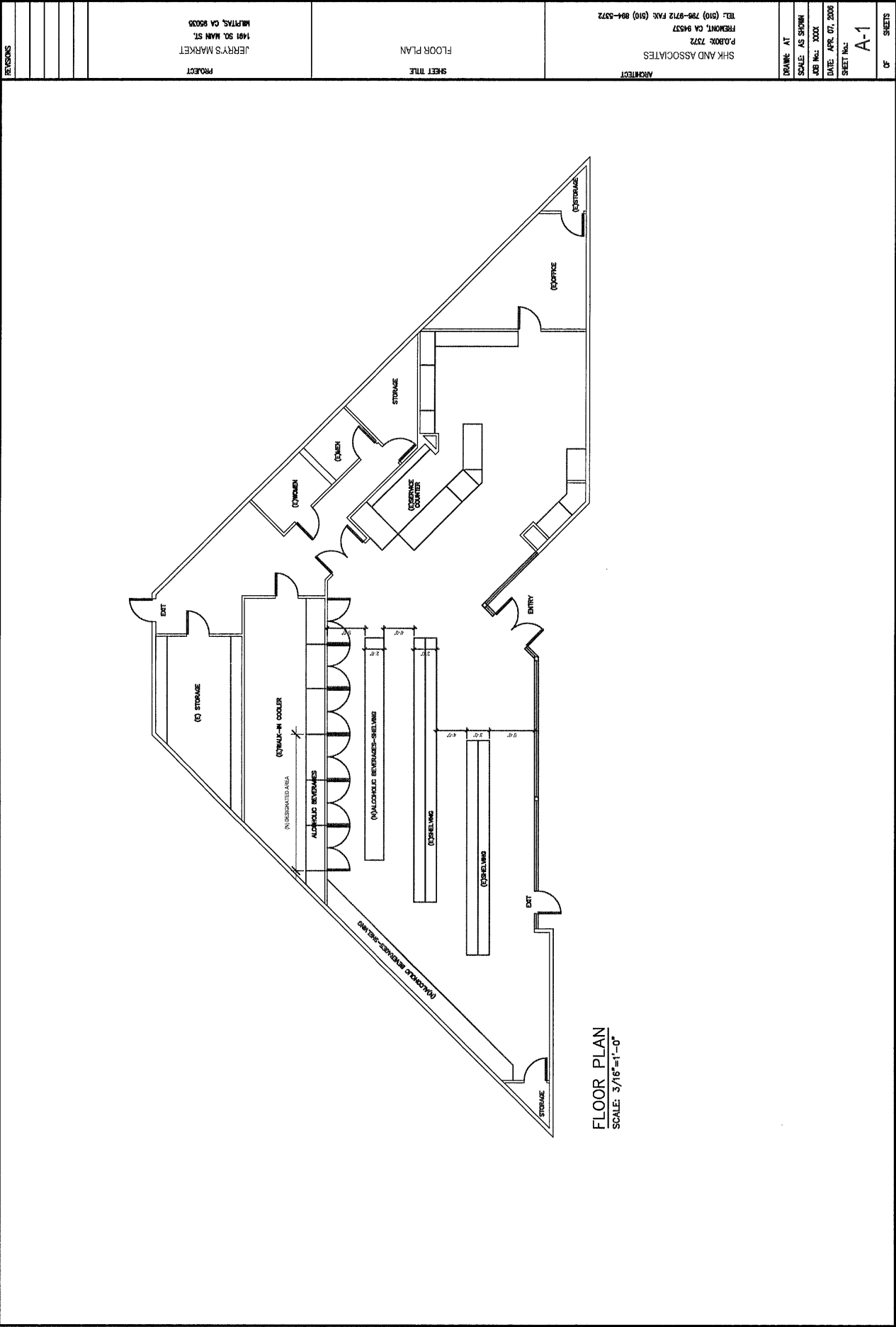
NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON THESE PREMISES.

3. A prominent and permanent sign stating: **NO LOITERING, DRINKING, BEGGING, OR SOLICITING ON THESE PREMISES** shall be posted inside and outside the premises in a place that is clearly visible to patrons.
4. Applicant shall be subject to Six-month review complete with notification of the entire Pines HOA until the Planning Commission determines the review is no longer necessary. The applicant shall bear the costs of all materials and fees associated with the hearing. (P)
5. Applicant shall submit and implement a security plan to the approval of the Milpitas Police Department prior to ABC liquor license issuance.

6. Operating hours are limited to 6:00am –12:00am Monday thru Friday.
7. Rear parking area shall be closed off at 10:00 pm daily. Applicant shall propose a method of securing the back parking area to the approval of the Planning Division.
8. Applicant shall display “Good Neighbor” signs in the parking lot to remind our customers to avoid loud noise and music that might disturb nearby neighbors.
9. The applicant shall pick up litter and paint over graffiti twice each day and enter into an agreement to pay to the Starlite Pines HOA, the cost of one person to regularly pick up litter from the common areas behind our common wall. A copy of said agreement shall be provided to the Planning Division prior to ABC liquor license issuance.
10. Applicant shall install two more cameras to give complete coverage of the parking area and keep video recordings for 14 days. Video recording shall be made available to law enforcement upon request. Any installation of cameras that require an agreement with the Pines HOA shall be maintained in perpetuity. Any secured agreements shall be provided to the Planning Division.
11. Applicant shall contribute \$10,000.00 to the HOA to be used for the repair of the common wall on the shared property line.
12. Display of alcoholic beverages shall be limited to forty-five percent (45%) of total floor area. Prior to ABC Liquor License issuance, the applicant shall submit a floor plan demonstrating compliance with this condition for Planning Division approval.
13. This use shall be conducted in compliance with all appropriate local, state, and federal laws and regulations and in conformance with the approved plans. (P)
14. If, at the time of application for ABC licensure, there is a project job account balance due to the City for recovery of fees, the ABC application will not be initiated until the balance is paid in full. (P)
15. Within thirty days of the use permit approval, the applicant shall submit plans to comply with the approved plans including repainting of the stucco portion from yellow to a neutral color, removal of all illegal signage from masonry fence and front building elevation; and repairing the masonry fence.
16. Applicant/property owner shall be responsible for the trash collection and recycling services account. Applicant shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with BFI for commercial services:
 - A. Maintain an adequate level of service for trash collection.
 - B. Maintain an adequate level of recycling collection.After the applicant has started its business, BFI commercial representative will review the adequacy of the solid waste level of services. If services are determined to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234, x-264. (E)

Planning Division = (P)

Engineering Division= (E)



June 1, 2006

Milpitas Planning Commission
City Hall
455 E. Calaveras Blvd.
Milpitas, CA 95035

Re: Jerry's License Application

I have been residing in the same house in Milpitas since 1977 except for the five years I was in Europe. I have the misfortune of living within 300 feet of Jerry's, with all its attendant problems, troubles, nightmares, disturbances, noises, crimes, loitering, graffiti, litter, etc. We are already experiencing huge problems even though he's just selling "soft" liquors (beers and wines) only. It will increase a thousand fold if he's allowed to sell hard liquors.

Mr. Ali's application should be denied for the following reasons:

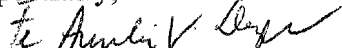
1. It is located within 600 feet of Zanker School with about 450 students, which will increase, with the completion of the KB Home's Terra Serena Homes on Abel Street, next school term.
2. It is located within 100 feet of several residences. In fact, only the wall separates Jerry's from these residences on Green Tree Way, Woodland Way and Lone Tree Ct.
3. There are several residences located within 300 feet of Jerry's, many of them with children.
4. The Milpitas Police Department's records will bear out the number of times it has been called because of problems, disturbances, crimes, graffiti, litter, noise, etc. at Jerry's, and its immediate vicinities, since its opening.
5. The traffic will become worse because more vehicles will be stopping at Jerry's to buy hard liquors. There were times in the past when I saw as many six semis parked in front of Jerry's.
6. I have personally witnessed Zanker School students going to Jerry's right after school, Junior High School and High School students, after they get off from the bus. These students are vulnerable and easily influenced. At a time when we are telling our children to say no to drugs, cigarettes and hard drinks, we are giving them windows of opportunity to say "yes" because the merchandise is easily available and within reach. They may soon conclude that it is "cool" to drink because they see adult members taking them.

7. I have seen the small playground at the end of Lone Tree Ct., immediately behind Jerry's, turned into a dumping ground for garbage – whole bottles, broken bottles, soda cans, other cans, all kinds of wrappers, gums, brown bags, sandwich bags, fast-foods and their bags, syringes, newspaper, etc. It also smelled of urine and vomit. All these rendered the playground unfit and unhealthy to use.
8. At the same playground, I have seen strangers (I assure you they were not wearing business suites) congregate and drink and be noisy, even at night. The presence of these strangers and the dirty condition of the playground deprived the residents not only of the full use and enjoyment of the playground but also of the full use of its adjacent lane to go to and from Main Street. Once, coming from work by bus, I had the bad judgment of using this lane to reach home. There were four men, whom I did not see from afar, and one of them shouted at me, "Do you have money?", and when I did not answer, repeated the question several times. I ran as fast as I could away from them. No resident of the subdivision deserves to be harassed the way I was, nor should anyone deserves to be instilled with fear just walking towards home.
9. There are already too many stores selling liquors on Main Street and its vicinities and areas. And they are all located in shopping centers and commercial areas with more than adequate parking spaces and security, unlike Jerry's, which is located adjacent to a residential area and a school. Do we really need more drunks?

The **bottom line** here is: The Commission will have to study, determine and decide, taking all things into consideration, **which is more important and more paramount** – is it the desire of only one person, Mr. Ali, to earn more and more profit, or is it the welfare, interests, security, peace of mind, safety and well-being of the members of the 800-household in The Pines, and its adjacent, newer subdivision? Should the special interests groups prevail again this time against the wishes of the ordinary citizens who are the backbone of this country? Whatever happened to the principle underlying democracy – the greatest good for the greatest number? Is it now, whoever can contribute the most to the political coffers?

Even though the city might earn more taxes with Mr. Ali selling hard liquors, the members of the 800-household are also taxpayers. And most importantly, they are electors and voters. And don't forget – money earned from whatever taxes on the hard liquor Mr. Ali will sell will be offset by the public safety expenses and law-enforcement problems, not counting the ramifications of drinking hard-liquors by the adults and its influence on the youths,

Respectfully,


Mrs. Fe Aurelia V. Doyle

80 Lone Tree Ct.
Milpitas, CA 95035

1.

Cindy Hom

From: Mike N [emnov@comcast.net]
Sent: Thursday, June 08, 2006 1:38 PM
To: Cindy Hom
Subject: Jerry's Market

Hello Cindy,

I would like to know if you received my letter, and if you don't mind I have a few questions about the Meeting Notice that was sent out June 2.

1. Regarding the third paragraph about "challenge of this application in court," does that refer to the situation where the use permit is approved and protesters have to continue protesting the license up the ladder to the ABC and the Superior Court? Could you elaborate a little on that?
2. Does it mean, as it says, that only issues brought up now pro or con can be brought up in court later?
3. If that is the case, should we be out gathering protests and protesters before the meeting? I'm assuming that Mr. Ali will pack the meeting room with his supporters.
4. Should we be checking more thoroughly on his background? I just checked superficially. He had a long list of various tax liens, countering the notion that he is a good businessman and takes care of business. Are things like that relevant to our situation?
5. Can you tell me how you determine the 300 feet from the subject property for notice? Does it start from any point on Jerry's property line or from a certain point? Were the homes noticed all on Lonetree Court and Greentree Way east? of Fallen Leaf?

Thanks for any information.

Mike Novotny

May 29, 2006

Planning Commission
Attn: Cindy Hom, Planning Division
Milpitas City Hall
455 East Calaveras Blvd.
Milpitas, CA 95035

RECEIVED

JUN 07 2006

CITY OF MILPITAS
PLANNING DIVISION

Re: Use Permit Amendment No. UA2006-2; Mr. Aslam Hussain Ali; Jerry's Market
Located next to the Pines neighborhood, to sell all types of liquor including hard liquor

Dear Planning Commission:

Please deny Mr. Ali's application for a use permit for Jerry's Market to begin selling hard liquor in addition to the beer and wine he currently sells. I know the City use permit and the Alcoholic Beverage Control Board's (ABC) alcohol license are two different things, but the issues are the same. This store is less than 30 feet from residences and close to playgrounds, school bus stops, and Pines common areas. It currently has a negative impact on the Pines, and selling hard liquor there will increase the problems and issues Pines residents currently have with Jerry's.

The ABC website says: "The law says the ABC may deny any retail license located...within at least 600 feet of schools, public playgrounds ...within 100 feet of a residence."

(Attachment I) More conditions for denial of a liquor license from the ABC website:

- It is located in a high-crime area
- It does not serve public convenience or necessity
- The license would create a public nuisance
- It will be contrary to public welfare and morals

All these pertain to Jerry's Market. It's residential location is not appropriate for selling liquor.

Pines homeowners are not protesting against the hard liquor permit because we think there are too many liquor stores in southwest Milpitas. The protest is that it is too close to our homes and already is a public nuisance. I mention all the nearby places that sell hard liquor to point out that it is not a public convenience or necessity to have Jerry's sell hard liquor next to our homes. Hard liquor is available one-half mile from Jerry's at Beverages and More at the Great Mall and about one mile to Milpitas Liquors. Also, Save Mart, Albertson's, Long's Drugs, Capitol Liquor and Groceries, Lucky Liquors, Ceci's Liquor and Mini Mart, Buy to Save Liquors, Safeway, etc. are nearby. Some of these store are open until 2 a.m. and some 24 hours. A supermarket, which usually sells hard liquor, has been proposed within 1/2 mile of Jerry's in the discussions on Midtown redevelopment. We don't object to liquor stores--they should be and are in commercial areas instead of next to people's houses.

Please do not be impressed that some Pines residents want Jerry's to sell hard liquor. They do not live right next to Jerry's. They desire to be able to buy a bottle of hard liquor when they forgot to get it at the nearby supermarket where it is cheaper. They think that is more important than the quiet enjoyment of adjacent neighbors to Jerry's, which it is not.

Two staff from the Planning Division attended our Pines Homeowners Association (PHA) annual meeting on May 1, 2006. Cindy Hom addressed the meeting. Many homeowners at the meeting were upset about the application for a hard liquor use permit by Mr. Ali. There has been a lot of publicity lately about how liquor stores attract crime and are a negative factor in residential neighborhoods. We consider this a high crime area because of the murders, rape, burglaries, etc. (Attachment 1A) There is already too much noise and crime on Main Street because of the nightclub that sells alcohol across the street. Where hard liquor is sold there are people loitering around drinking it, making noise, urinating in public, getting sick, etc. My house being so close to Jerry's, I have seen all of these things already. It will be much worse for the residents if Jerry's sells hard liquor.

There are people who loiter at, around, and near by Jerry's. Many of them are minors and Mr. Ali has a record of selling alcohol to minors, according to the ABC. Attachment 2--pictures of their graffiti upon the Jerry's property. This graffiti stayed on the property a long time and was only painted over after protests to the liquor license application were sent to the ABC, who said they would be forwarded to Mr. Ali. They especially congregate at common areas like those at Lonetree Court and Woodland Court. Attachment 2A shows that these types of common areas are just feet from people's houses and bedrooms. The turf of the loiterers extends from Jerry's north toward Great Mall Parkway on Abel Street and Main Street and the common areas of the Pines and Pinewood Park. (Attachment 3-Pictures of graffiti and property damage) It will be a disaster if they are able to buy hard liquor at Jerry's:

- We believe they are doing the numerous daytime burglaries here when residents are at work
- They roam around late at night at will and paint graffiti everywhere
- They make noise near residents' houses at all hours
- They smoke marijuana, use drugs and drink in public
- They intimidate people and keep them from enjoying the common areas and Pinewood Park
- They have robbed a kid of his bike while he was near his own bike
- There have been assaults at the park
- They will steal whatever is in view and is easy to carry
- They use profanity so that you can't have your children around them
- They throw their brown bags from Jerry's on the ground as well as bottles, cans and trash
- Graffiti removal was met with threats in broad daylight
- Bottles are thrown over fences into residents' back yards; there are broken bottles in their pools
- At night they break car windows and steal whatever is inside, or the car
- They damage property. They've knocked off the top level of bricks on the brick wall separating the Pines from Abel Street in order to get over it easier to go to Jerry's. At the end of Woodland Court where they congregate and keep the elderly residents awake at night, they go back and forth over the brick wall to Jerry's. They damage playground equipment and tear off the pet bag boxes in the common areas. (Attach 3)
- People play booming music at Jerry's, get into loud arguments, and peel out with their motorcycles, cars and trucks, making a loud noise

Calling the police is not a solution because:

- Residents are afraid of retribution
- The people doing the above have cell phones and use lookouts
- The activity has been going on for years (and we don't want it to be worse)
- Residents think the people will be gone by the time the police arrive
- They are not up in the middle of the night or at home in the daytime to see what is going on. It is not safe to drive out to see what is happening in the middle of the night.

We were told that Mr. Ali has enlisted the support of the leader of the Milpitas Downtown Association for a hard liquor license at Jerry's. He lives in an exclusive gated neighborhood in the Milpitas hills. Please do not heed the advice of someone who lives there advising that Pines' residents need to have hard liquor sold next to our residences.

In addition, Mr. Ali and his lawyer/consultant will probably propose special conditions to the use permit in order to sidestep the current problems and get a permit and license anyway. The idea of special conditions should be discarded and the permit denied. We know that it would be very difficult to take away the permit/license once granted. Since it stays with the property, it is entrenched, even with new owners. Mr. Ali, since his last request for an ABC liquor license in 2002, has had four years to discover and implement any solutions for existing problems--this was not done. We still have copies of protests and our pictures from that application period. The application was withdrawn because of the protests and was therefore not heard by the Planning Commission for a use permit. The adverse conditions have not changed, but have become worse. Limiting hours, limiting liquor shelf space, putting in cameras, etc. are just ploys to be able to obtain the permit and license and will not help.

As for Mr. Ali's attempts at assurance regarding the hard liquor permit and license, he does not appear to have credibility. We should not be subjected to his management of a liquor store next to our houses. The information below all comes from the Homeowners Association meetings (at which he has spoken twice), his statements to Pines residents, and from the public record:

- Mr. Ali stated he has never sold liquor to minors and would not sell liquor to minors at Jerry's.

--Attachment 4: Copies of ABC citations, fines, and suspensions for selling liquor to minors at other liquor stores in his name. If he denies they are his, real estate records show the same signature as he used to buy Jerry's. He appears to have used the surname of Hussain in the 1990s and Ali in the 2000s (Attachment 5--Examples) with the same signature.

- Mr. Ali stated he is a responsible businessman and will take care of any problems at Jerry's.

--He bought the Jerry's business in 2000 and could have taken care of any problems (nuisance, noise, graffiti, litter) since that time if he were able to or wanted to, but they have become worse. Now he is claiming he will take care of them, after six years, if he gets a hard liquor permit.

- He said he had a letter from the San Anselmo police chief commending him and his liquor store there.

--Yet the ABC says he was fined \$3000 there for selling liquor to a minor.

- Mr. Ali stood in front of the Annual Pines Homeowners meeting in May and stated it was a lie that he applied for a liquor license for Jerry's before.

--(Attachment 6): ABC record shows he did apply and withdrew it in 2002 because of protests.

- He stood in front of the Homeowners meeting in May and stated that the nearest place to buy rum (hard liquor) is 2.2 miles away.

--It is only 1/2 mile away at Beverages and More at the Great Mall, which is common knowledge. Milpitas Liquors is about a mile away.

--When he was called on that, he said there is no parking there. Beverages and More has its own entrance, halfway between two mall entrances, so there is plenty of parking there. They have more parking than Jerry's has. Beverages and More and the other nearby liquor stores are in commercial areas with more parking, security, lighting, janitorial and landscaping services, and not located next to people's houses.

--In addition, because of less parking, Jerry's customers park across the street on Main Street and walk across the busy street in mid-block to go to Jerry's, which is dangerous.

--There are many more places to buy liquor less than two miles away.

- Mr. Ali stated he bought Jerry's because he wants to be a part of the Milpitas community.

--He has about 14 ABC license entries pertaining to hard liquor stores/licenses in many different cities and counties. His record resembles that of an investor. (Attachment 7) It says he has bought or sold at least four in Santa Clara County alone since 2000.

--ABC says he currently has a liquor license/store in San Francisco.

--From his record of buying and selling so many liquor stores, there is reason to believe that he will not stay with Jerry's for long if he gets a liquor license and will sell it to some other indifferent owner for us to contend with.

--He threatened our neighbor with the claim he might sell Jerry's to 7-11, who he said would not keep it as clean as he does.

- Mr. Ali states that he already has the liquor license for Jerry's but only needs the use permit from the city.

--The ABC record shows that the license is "Pending," not active or approved. (Attachment 8) This seems to be a maneuver to discourage people from protesting the liquor license. The ABC investigator said that even if he gets the use permit from the City, the protest process will continue on at ABC. If he doesn't get it from the City, the issue will be over.

- He stated he wants Jerry's to be a convenience store with alcohol instead of a liquor store.

--This is nonsense. His ABC record shows his main experience is owning liquor stores, and all the violations for selling alcohol to minors were at liquor stores.

- Mr. Ali stated he moved from Pleasanton to Milpitas recently to be a part of the Milpitas community and to retire here.
 - He bought Jerry's business in 2000, yet didn't buy a house here until three months (October 2005) before applying for the liquor license in January 2006.
 - He appeared to buy a house in the past near wherever his liquor stores were, but didn't stay in those places.
 - He bought a house near the Milpitas hills for \$1,250,000 in October 2005. There are no liquor stores or signs of graffiti, gangs, etc. in his neighborhood, yet he wants to sell hard liquor in our neighborhood, which will degrade the Pines.
- He circulated a petition (Attachment 9) in March stating "By allowing Jerry's Market to sell liquor, I can do all of my shopping and pay my PG&E bill at this store, saving me time and gas." Also that there is no other convenience or liquor store in this area.
 - He is saying Jerry's selling liquor enables one to pay their PG&E bills and do all of their shopping.
 - Most people would not do all of their shopping at a neighborhood quick-stop store or liquor store, which cannot match the prices and selection at the numerous nearby supermarkets.
 - There are many liquor and convenience stores in the area.
 - Mr. Ali also had a petition in the store for anyone who came in to sign--including people from other cities--people who aren't impacted by living next to his store.
- The nearby Pines residents were only given about three weeks to protest the license by the ABC, to February 17, yet he has had four months plus to continue with his tactics.
 - The Pines Homeowners Association in February, within the extreme time limit, only went to nearby houses with a petition against the liquor license, on Lonetree Ct. and Greentree Way.
 - Those protesters from February 2006 who live nearby have many valid reasons for not wanting to live next to a liquor store. That should carry more weight than the opinion of other people who only care about a quick convenience for themselves and not about the good of the neighborhood. Some of them live further away from Jerry's in the Pines, others aren't even Pines or Milpitas residents.
- Mr. Ali stated he got 200+ residents to sign petitions in favor of the liquor license (with a second petition).
 - These should be discarded because people are claiming he deceived them. There are several Pines residents who said he or a representative came to their door and asked them to sign a petition for him to be able to expand his business. They said the part that indicated it was to sell hard liquor was covered up. One resident stood up and spoke at the Pines Homeowners annual meeting saying that this happened to her. In at least one case he told the resident it was to add a deli, while covering up the hard liquor part. Another resident was extremely unhappy when she found she had signed it under misrepresentation.
 - They also should be disregarded because the importance of a simple convenience does not outweigh the importance of Jerry's being a nuisance to nearby residents.

- Mr. Ali brought people to speak in his favor at our April Homeowners Association meeting who claimed to be Pines homeowners or residents.
- The Board later realized that it was unlikely they were Pines homeowners or residents, and restricted the speakers at the May Annual Homeowners meeting to two guests (Mr. Ali and Ms. Hom) and homeowners only (whose names were on the homeowners list).
- Those earlier people, who were there to support him again, stomped out of the meeting.
- At both meetings they made a show of trying to look aggressive and angry.
- He appears to perhaps have support from people who live in the trailer park on Main Street and people who work at the small shops in the area. These people are not impacted by the problems the nearby Pines residents have with Jerry's. These places appear to be slated for replacement by redevelopment or land use changes anyway, with more families with children coming to Main Street.

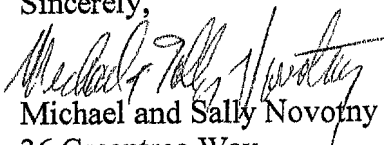
- He stated that he has made improvements to the cleanliness and appearance of the store.
- Improvements were made by a different store owner in 1996/1997 when that owner was trying to get a liquor license. That previous owner put in landscaping, a surveillance camera over the parking lot (he didn't keep it operational and said he didn't have enough personnel to monitor it anyway), extended the height of the wall next to Lonetree Court, and added shelves for convenience items.
- The residents were still very opposed.
- The Planning Commission denied this owner the use permit, saying it didn't contribute to the families and children.
- The only visible apparent change Mr. Ali has made is to move the cash register location around. Outside, many of the flowers are gone and there is bare dirt.
- The graffiti stayed there until he received the protests from the residents from the ABC and even then he didn't paint over all of it. The grounds were only just recently cleaned up.
- The surrounding area graffiti stayed there also until the liquor license application came up. It was painted over then but now there is more.

- Mr. Ali stated the principal of Zanker Elementary School wrote a letter saying she would not oppose the liquor license.
- He donated to the school previously, and her residence is not next to Jerry's.
- The school is a public playground. Children have been dropped off very early before school opens because their parents have to go to work. There is a day care (Stay and Play) on the playground after school until about 5. Children from the neighborhood play on the basketball courts and fields until after sunset. Some are waiting for parents to get off work.
- The fields appear to be within or close to the 600' limit mentioned by the ABC.
- The school employees were upset last year when the school was damaged in a break-in and was burglarized.
- An 80 year old was recently burglarized of \$10,000 at her house across the street from the school.
- There should not be a liquor store close to this school (public playground).
- In addition, many children catch the transit bus near Jerry's to the middle and senior high schools.
- Many children go to Jerry's to buy candy and soda, unaccompanied by an adult.

- He stated he will lose business if he doesn't have a liquor license.
- The store has been operating for about 35 years without a hard liquor permit. The ABC record shows there were only two attempts in the first 25 years to obtain one. There were three attempts in the last 10 years, all with vehement opposition from Pines residents.
- A previous owner from 1986 to 1996 did well with Jerry's as a convenience store and never applied for a liquor license.
- There are many convenience stores without hard liquor in Milpitas that have made a living for years for their owners. Most of them don't have the visibility that Jerry's enjoys. There are at least four 7-11s that operate without selling hard liquor.

From the ABC record, Mr. Ali appears to have the means, experience and ability to buy for himself an already operating liquor store or build or rent a building for one in a commercial/business area away from people's residences. Please deny the use permit.

Sincerely,



Michael and Sally Novotny
36 Greentree Way
Mailing: P.O. Box 360652
Milpitas, CA 95036

Attachments

Q. 18. How many feet must licensed premises be from a church, a school, or residences?

A. The law says ABC may deny any retail license located (a) within the immediate vicinity of churches and hospitals, or (b) within at least 600 feet of schools, public playgrounds and nonprofit youth facilities. Generally, ABC will deny a license in the above situations when there is evidence that normal operation of the licensed premises will be contrary to public welfare and morals. Mere proximity by itself is not sufficient to deny the license.

ABC will not license a new retail location within 100 feet of a residence unless the applicant can establish that the operation of the proposed premises will not interfere with the quiet enjoyment of the property by residents. (Section 23789 and Rule 61.4)

Attachment 1

early 30 burglaries in Starlite Pines since July

11-21-02

Police meet with homeowners; more neighborhood Watch groups likely

Sex assault thought connected to string

Mil. Post
Police advise women to be cautious following attack on South Main

BY JAY PEEPLES

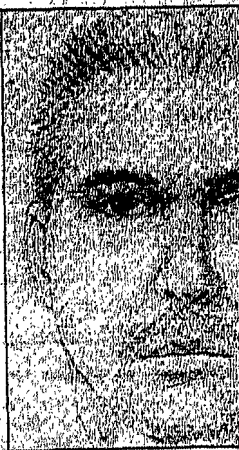
A Nov. 8 sexual assault on South Main Street may be related to a string of similar crimes that have occurred since April 2000 in San Jose, Fremont and Newark, according to Milpitas police.

Milpitas police Cmdr. Dennis Graham said the 23-year-old San Jose woman who was assaulted positively identified her attacker as matching a San Jose Police Department sketch of the suspect in the string of sexual assaults.

While Graham said the case has not yet been officially tied to the string of crimes, he said the department is sharing information with San Jose and Fremont police departments, as well as reviewing old cases to see whether the suspect may have struck earlier in Milpitas.

Graham said there is a "strong likelihood" the Milpitas case is linked to the other cases. He said residents should keep an eye out for the man drawn in the sketch and call police if the man looks familiar.

The sexual assault occurred when the victim was walking southbound on the 1400 block of South Main Street at about 10 p.m. Nov. 8. Graham said the suspect was walking the other direction on Main Street and grabbed the victim from behind after they passed near Jerry's Quick Shop, 1491 S. Main St.



Police sketch of

Two dead after gunshots erupt outside restaurant

Mil. Post 12-15-05

■ Arrests made: Homicides are first, second in Milpitas in two years; two men held.

BY IAN BAUER

Two San Jose men were hit by gunfire in the The Palms Grill and Bar parking lot just before midnight Saturday. The shooting left one man dead and another critically wounded, Milpitas Police Department reports state. The second victim died Tuesday.

On Dec. 10, police said a fight broke out between several people at 1380 S. Main St. Gunfire soon erupted and left two men on the ground, unconscious, police said...

Alleged prostitute, pimp assault woman

Mil. Post 6-1-06
On May 23 at about 10:40 p.m., a woman was allegedly beaten and robbed at the Union 76 gas station at 1787 S. Main St., Milpitas police reports state.

After the incident, Milpitas officers visited and questioned the victim at Regional Medical Center of San Jose.

The 20-year-old woman told officers that she had gone to a San Jose hair salon that day with a 17-year-old Vallejo girl.

Telling officers the 17-year-old was a prostitute who was attempting to recruit her into the profession, the victim told officers that an argument erupted at the salon between her and the teen.

The teen allegedly accused the victim of stealing \$200 from her purse.

After a brief argument, the 17-year-old left the salon to get her alleged pimp, 20-year-old Brandon McGough of San Jose.

Later that night, the three met at the Union 76 station in separate cars, police said.

Mil. Post
There, both McGough and the 17-year-old allegedly punched, beat and kicked the victim. The victim reported losing consciousness during the beating, police said.

The victim suffered cuts and bruise and an eye that was swollen shut according to police. The suspects stole from her purse during the attack, and then fled in a Lexus LS400.

Upon further investigation, Milpitas officers tracked down McGough and the 17-year-old girl at a motel on Montague Expressway, police said.

They found the suspects hiding in a room at the motel.

Upon a search of the room, officers discovered a single-shot rifle with its serial number removed.

McGough and the teen were arrested on charges of robbery, battery, possession of an illegal weapon and altering a illegal weapon, police said.

McGough was booked into Santa Clara County Jail. The 17-year-old girl was taken to Juvenile Hall, police said.

5-4-06 to steals \$10,000 Pines resident

Mil. Post
On April 26 at 2:39 p.m., officers responded to a residential burglary on the 1600 block Greenwood Way.

That afternoon, an 80-year-old Milpitas woman answered doorbell and was greeted by a man who said he could fix a damaged fence line behind her home, police said.

Asking her to follow him to back yard, the man told her he could also trim some shrubs there, according to police.

While in the back yard, the man made two phone calls on a cellular phone. As he spoke to police said another man entered the home's open front door and stole \$10,000 cash.

The men allegedly fled the home in a white minivan.

The first suspect was identified as a Filipino male, 40 years old, 5 feet, 4 inches tall, pounds and wearing a tan sleeve sweatshirt, blue jeans silver-framed sunglasses.

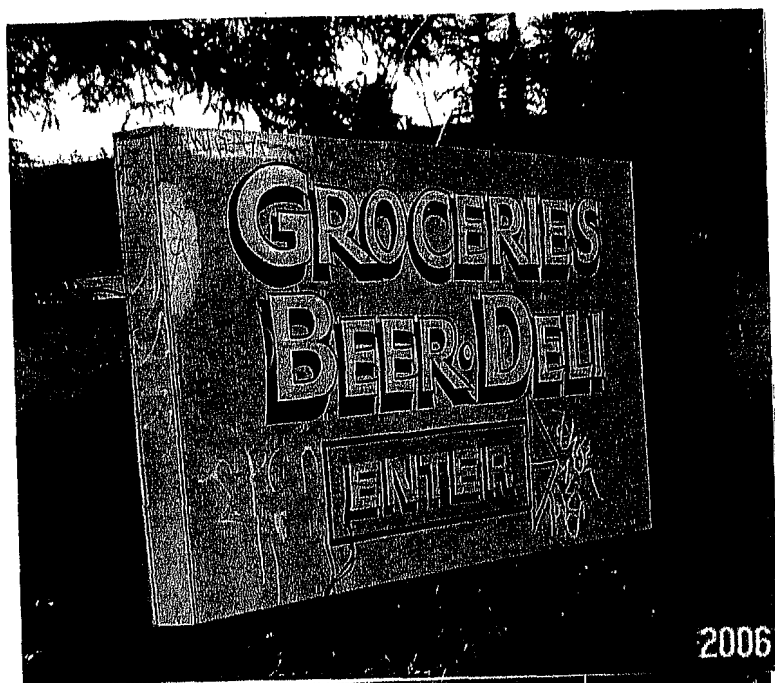
The second suspect is

Vandals strike

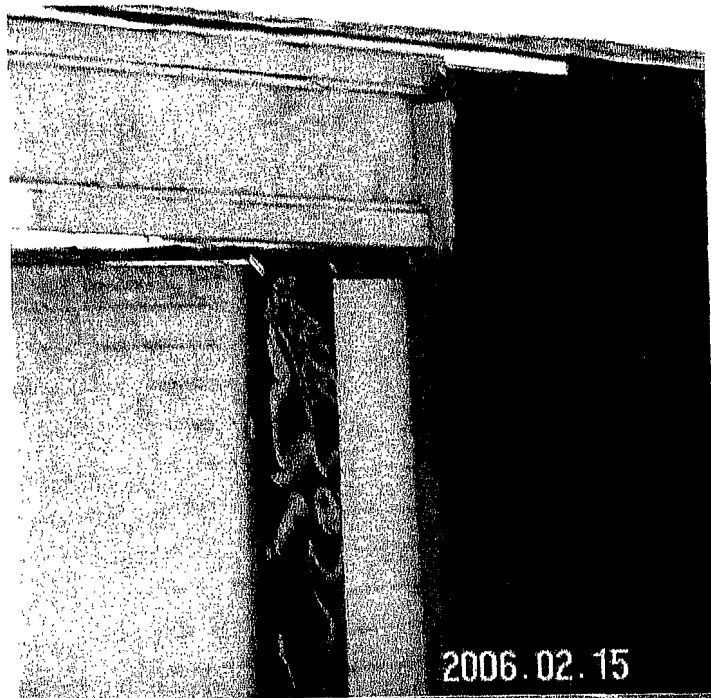
More stained glass broken; third time

church again

Milpitas Post 3-3-06



2006



2006.02.15



2006.02.15



2006.02.15



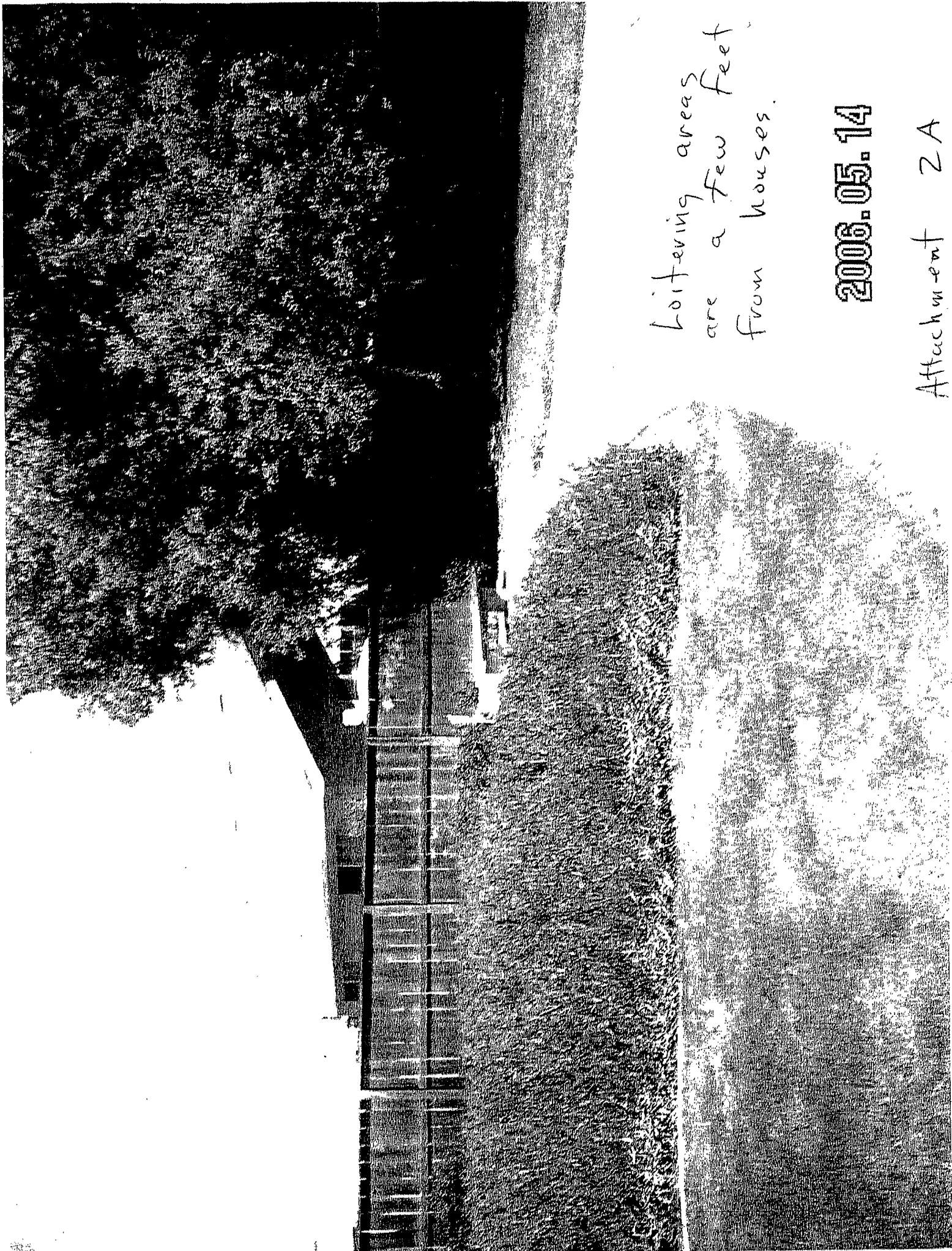
2006.02.15



2006.02.15

Terry's - Front, Back, Side

Mila's



Loitering areas
are a few feet
from houses.

2006.05.14

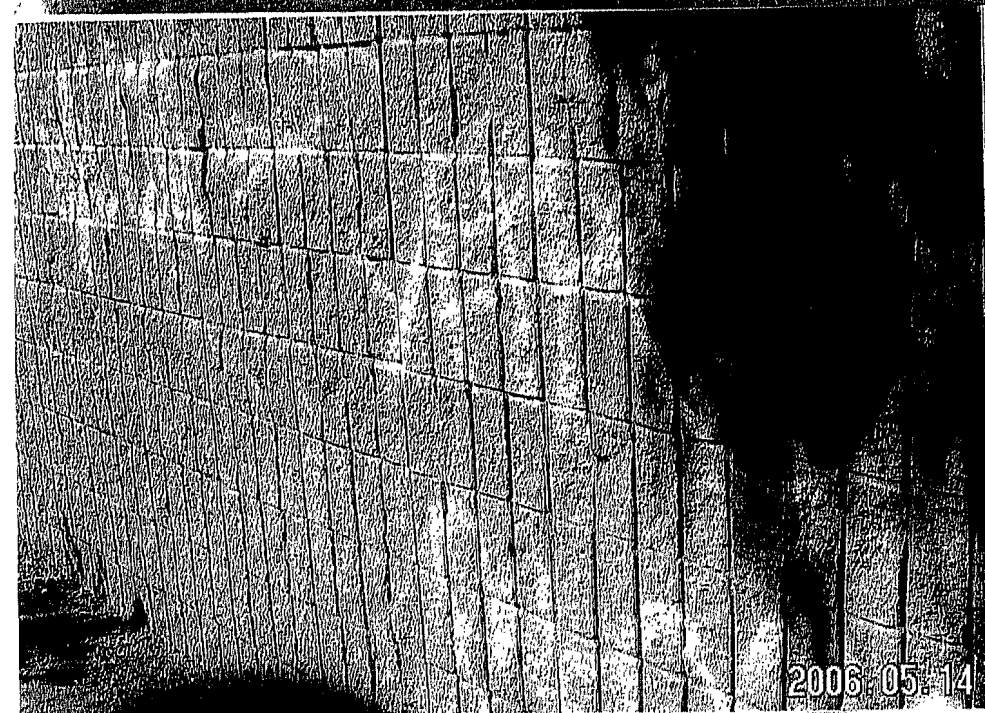
Attachment ZA

A black and white photograph of a wooden bench. The backrest of the bench has the text "We ARE 138" painted on it in a stylized, hand-painted font. The bench is made of wooden slats. The foreground shows a dark, textured surface, possibly grass or pavement. In the bottom right corner, there is a white date stamp that reads "2006.05.08".

16.05.08

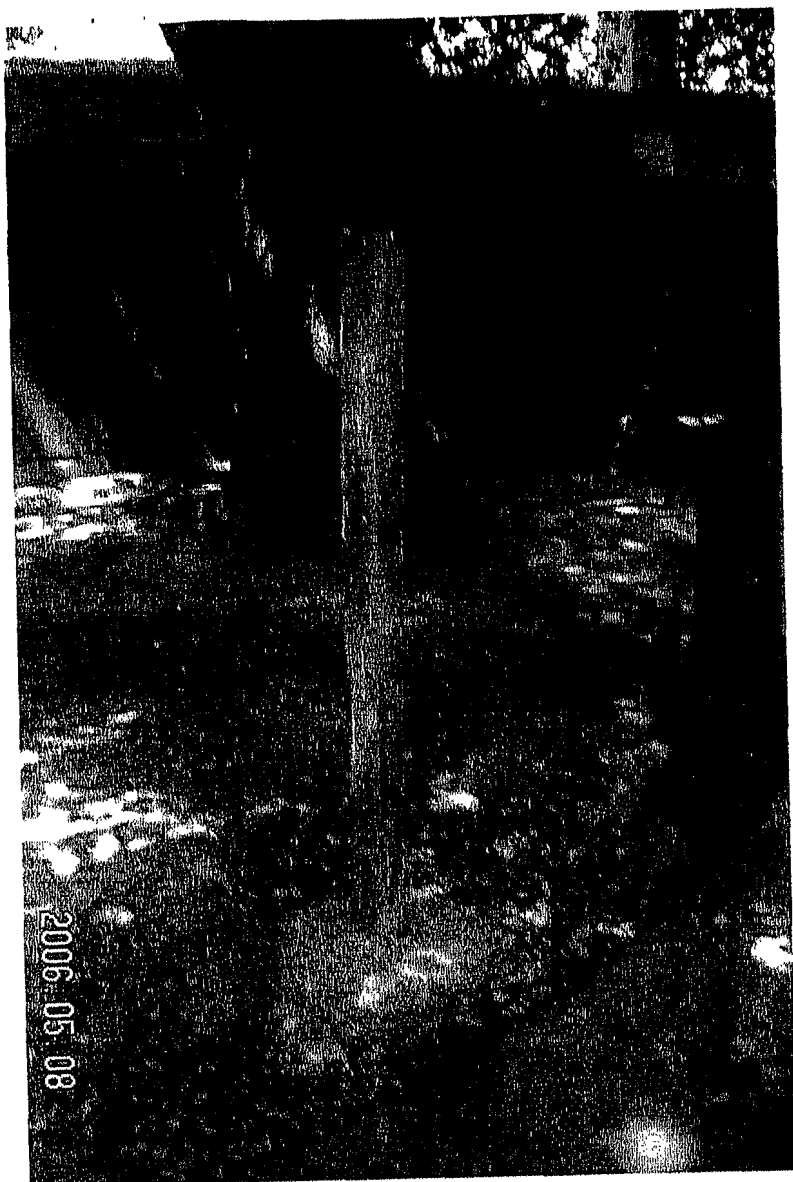
A dark, textured surface, possibly a book cover or endpaper, showing a grid-like pattern of stitching or binding. The texture is grainy and uneven, with a prominent vertical line running down the center and several horizontal lines intersecting it. The overall appearance is aged and worn.

147



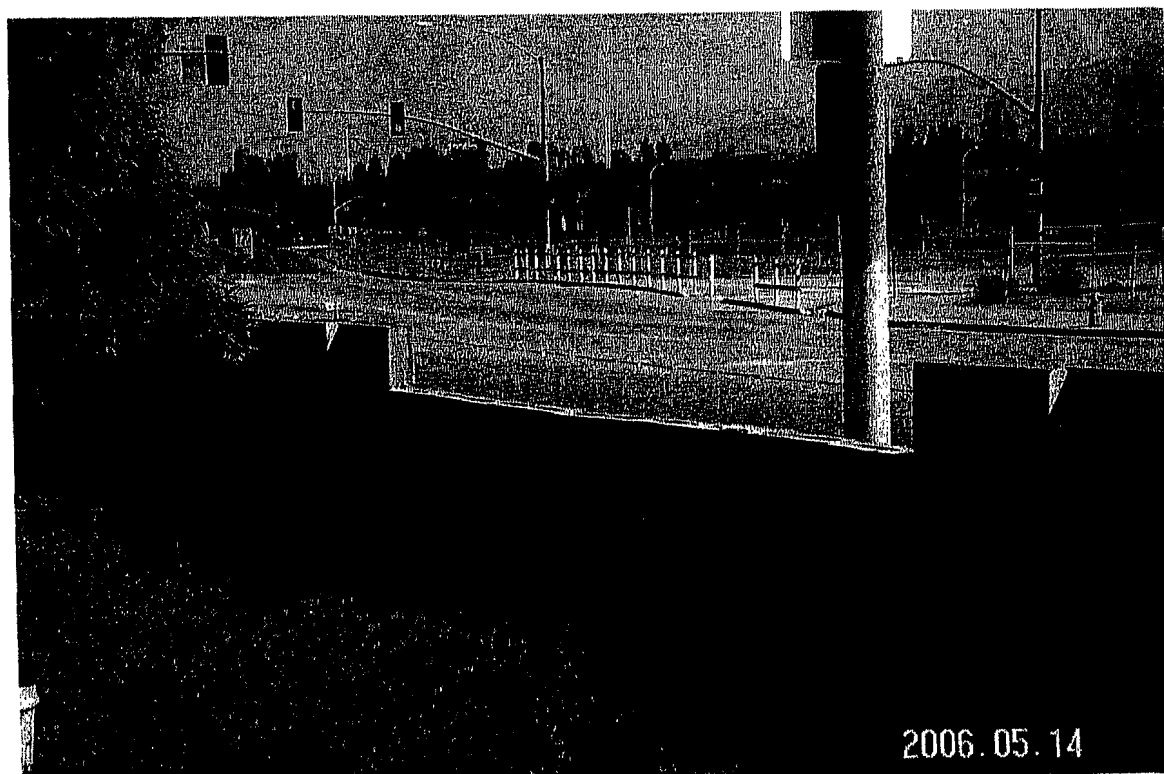
South Main St.
& South Abel
Street, Milpita.





Congregating areas are
close to bedrooms.

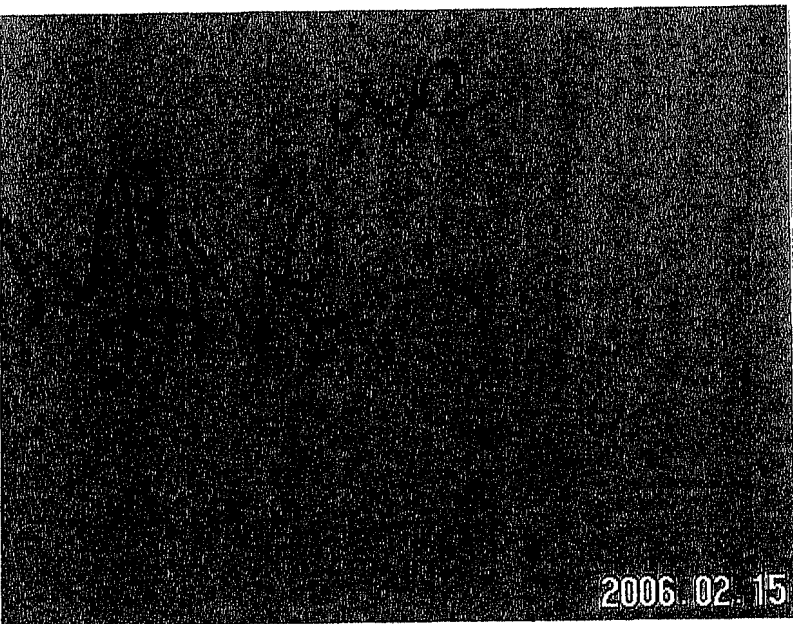
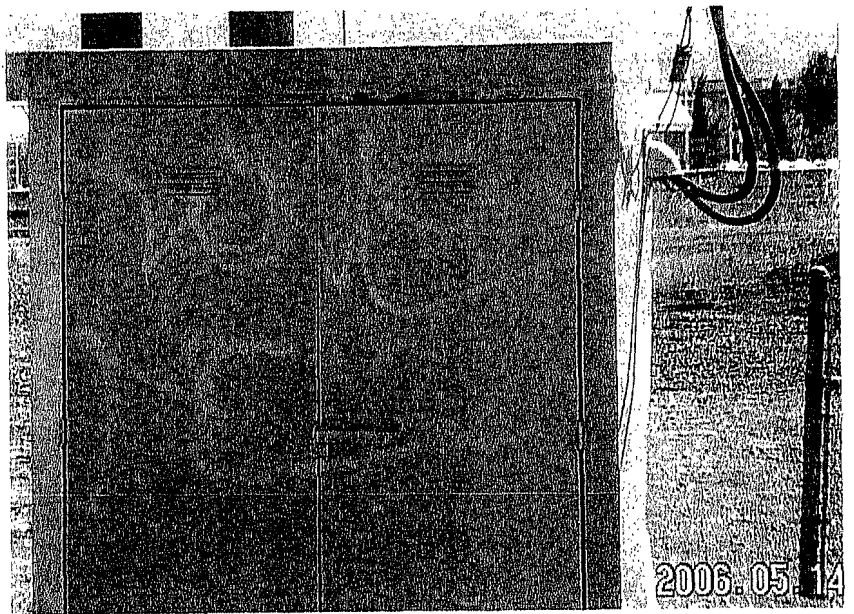
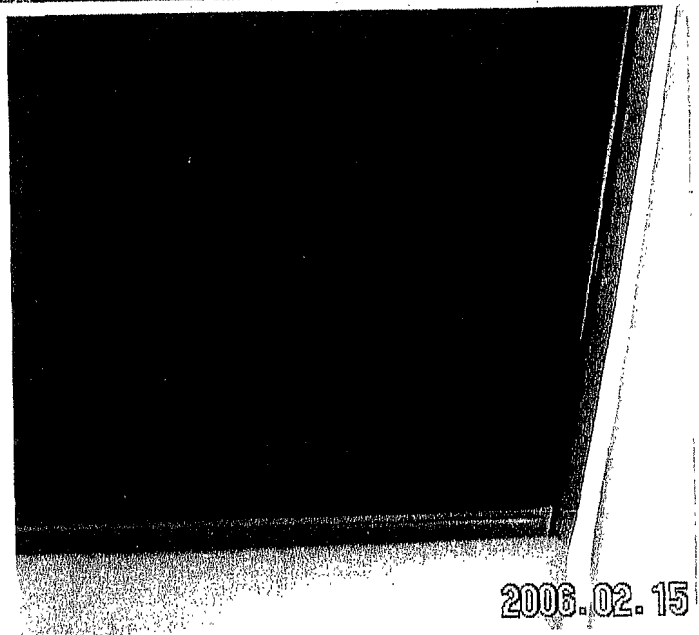
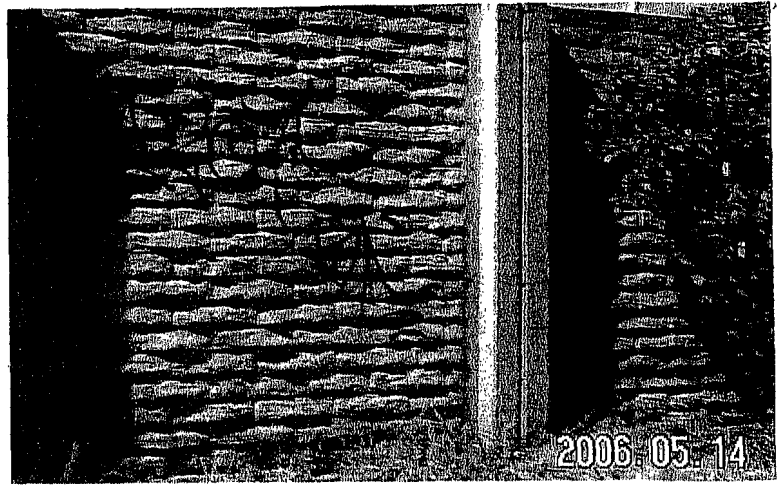
Property damage.



Brick wall
with top
row knocked
off.

2006.05.14

Attachment 3



South Main and
Abel Streets,
Milpitas



**California Department of Alcoholic
Beverage Control**
*License Query System Summary
as of 5/10/2006*

License Information	
License Number: 268623	Status: CANCEL
Primary Owner: ALI ASLAM HUSSAIN	
ABC Office of Application: SAN JOSE	
Business Name	
Doing Business As: GALA MART	
Business Address	
Address: 1193 W EL CAMINO REAL Census Tract: 5091.06	
City: SUNNYVALE County: SANTA CLARA	
State: CA Zip Code: 94087	
Licensee Information	
Licensee: ALI ASLAM HUSSAIN	
License Types	
1) License Type: 21 - OFF-SALE GENERAL	
License Type Status: CANCEL	
Status Date: 25-SEP-2002	Term: 12 Month(s)
Original Issue Date: 25-FEB-1992	Expiration Date: 31-MAR-2002
Master: Y	Duplicate: 0 Fee Code: NA
License Type was Transferred On: 10-APR-2001 To: 375882	
License Type was Transferred On: 24-MAR-1998 To: 341013	
Current Disciplinary Action	
... No Active Disciplinary Action found ...	
Disciplinary History	
Violation Date: 06-JAN-2001 Reg. Number: 01050589 Cleared On: 30-AUG-2001	
Reporting Agency: ABC	
1) Charge Date: 06-JAN-2001 Section Violated: 24200(a&b)	
Charge: GROUNDS FOR ACTION	
2) Charge Date: 06-JAN-2001 Section Violated: 25658(a)	
Charge: SALE TO MINOR	
Proceeding Status: COMPLETE Decision: SUSPENDED	
Suspension Days: 15 Stayed Days POIC/Fine: 3000	
Suspension Start Date: Suspension End Date:	
Hold Information	
... No Active Holds found ...	

--- End of Report ---

For a definition of codes, view our [glossary](#).

Att. 4



**California Department of Alcoholic
Beverage Control**
*License Query System Summary
as of 5/10/2006*

License Information	
License Number: 389643	Status: CANCEL
Primary Owner: ADHIKARI GAJENDRA	
ABC Office of Application: SAN JOSE	
Business Name	
Doing Business As: SARATOGA BOTTLE SHOP	
Business Address	
Address: 1877 QUITO RD Census Tract: 5066.04	
City: SAN JOSE County: SANTA CLARA	
State: CA Zip Code: 95070	
Licensee Information	
Licensee: ADHIKARI GAJENDRA	
Licensee: ALI ASLAM HUSSAIN	
License Types	
1) License Type: 21 - OFF-SALE GENERAL	
License Type Status: CANCEL	
Status Date: 14-FEB-2003	Term: Month(s)
Original Issue Date: 12-AUG-2002	Expiration Date: 31-JUL-2003
Master: Y Duplicate: 0 Fee Code: NA	
License Type was Transferred On: From: 363361	
License Type was Transferred On: 15-NOV-2002 To: 395083	
2) License Type: 30 - TEMPORARY PERMIT	
License Type Status: ISSUE	
Status Date: 25-JUN-2002	Term: Month(s)
Original Issue Date:	Expiration Date:
Master: Y Duplicate: 0 Fee Code: NA	
Current Disciplinary Action	
... No Active Disciplinary Action found ...	
Disciplinary History	
Violation Date: 25-OCT-2002 Reg. Number: 03054404 Cleared On: 14-FEB-2003	
Reporting Agency: ABC	
1) Charge Date: 25-OCT-2002	Section Violated: 24200(a&b)
Charge: GROUNDS FOR ACTION	
2) Charge Date: 25-OCT-2002	Section Violated: 25658(a)
Charge: SALE TO MINOR	
Proceeding Status: COMPLETE Decision: SUSPENDED	
Suspension Days: 15 Stayed Days POIC/Fine: 3000	
Suspension Start Date: Suspension End Date:	
Hold Information	
... No Active Holds found ...	

Att. 4



**California Department of Alcoholic
Beverage Control
License Query System Summary
as of 5/10/2006**

License Information	
License Number: 286602	Status: CANCEL
Primary Owner: ALI ASLAM HUSSAIN	
ABC Office of Application: SANTA ROSA	
Business Name	
Doing Business As: QUICK N EASY	
Business Address	
Address: 807 SAN ANSELMO AVE Census Tract: 1170.	
City: SAN ANSELMO County: MARIN	
State: CA Zip Code: 94960	
Licensee Information	
Licensee: ALI SHAMS HUSSAIN	
Licensee: ALI ASLAM HUSSAIN	
License Types	
1) License Type: 21 - OFF-SALE GENERAL	
License Type Status: CANCEL	
Status Date: 23-JUL-2001	Term: 12 Month(s)
Original Issue Date: 07-SEP-1993	Expiration Date: 31-AUG-2001
Master: Y	Duplicate: 0 Fee Code: NA
License Type was Transferred On: 15-MAR-2000	To: 364249
License Type was Transferred On: 22-MAR-2001	To: 375293
Current Disciplinary Action	
... No Active Disciplinary Action found ...	
Disciplinary History	
Violation Date: Reg. Number: 97041418 Cleared On: 02-SEP-1998	
Reporting Agency: SAN ANSELMO P.D.	
1) Charge Date:	Section Violated: 24200(a&b)
Charge: GROUNDS FOR ACTION	
2) Charge Date:	Section Violated: 25658(a)
Charge: SALE TO MINOR (DECOY)	
Proceeding Status: COMPLETE Decision: SUSPENDED	
Suspension Days: 10 Stayed Days POIC/Fine: 3000	
Suspension Start Date: Suspension End Date:	
Hold Information	
... No Active Holds found ...	

--- End of Report ---

For a definition of codes, view our [glossary](#).

Att. 4



**California Department of Alcoholic
Beverage Control**
License Query System Summary
as of 5/10/2006

License Information	
License Number: 380235	Status: CANCEL
Primary Owner: ALI ASLAM HUSSAIN	
ABC Office of Application: SAN FRANCISCO	
Business Name	
Doing Business As: DOWNTOWN LIQUOR	
Business Address	
Address: 301 GRAND AVE Census Tract: 6022.	
City: SOUTH SAN FRANCISCO County: SAN MATEO	
State: CA Zip Code: 94080	
Licensee Information	
Licensee: ALI ASLAM HUSSAIN	
License Types	
1) License Type: 21 - OFF-SALE GENERAL	
License Type Status: CANCEL	
Status Date: 30-DEC-2005	Term: 12 Month(s)
Original Issue Date: 03-DEC-2001	Expiration Date: 30-NOV-2006
Master: Y	Duplicate: 0 Fee Code: NA
Condition: OPERATING RESTRICTIONS	
License Type was Transferred On: From: 332911	
License Type was Transferred On: 15-JUN-2005 To: 427584	
2) License Type: 30 - TEMPORARY PERMIT	
License Type Status: ISSUE	
Status Date: 12-SEP-2001	Term: 0 Month(s)
Original Issue Date:	Expiration Date:
Master: Y	Duplicate: 0 Fee Code: NA
Current Disciplinary Action	
... No Active Disciplinary Action found ...	
Disciplinary History	
Violation Date: 28-MAR-2002 Reg. Number: 02053640 Cleared On: 24-DEC-2002	
Reporting Agency: SOUTH SAN FRANCISCO P.D.	
1) Charge Date: 28-MAR-2002	Section Violated: 24200(a&b)
Charge: GROUNDS FOR ACTION	
2) Charge Date: 28-MAR-2002	Section Violated: 25658(a)
Charge: SALE TO MINOR (DECOY)	
Proceeding Status: COMPLETE Decision: SUSPENDED	
Suspension Days: 15 Stayed Days POIC/Fine: 3000	
Suspension Start Date: Suspension End Date:	
Violation Date: 07-MAY-2005 Reg. Number: 05060302 Cleared On: 03-OCT-2005	
Reporting Agency: SOUTH SAN FRANCISCO P.D.	
1) Charge Date: 07-MAY-2005	Section Violated: 24200(a&b)
Charge: GROUNDS FOR ACTION	

Att. 4

2) Charge Date: 07-MAY-2005	Section Violated: 25658(a)
Charge: SALE TO MINOR (DECOY)	
Proceeding Status: COMPLETE Decision: SUSPENDED	
Suspension Days: 15 Stayed Days POIC/Fine: 3000	
Suspension Start Date: Suspension End Date:	
Hold Information	
... No Active Holds found ...	

--- End of Report ---

For a definition of codes, view our [glossary](#).

DOCUMENT: 15291285

Titles: 1 / Pages: 1



0015291285

Fees.... 7.00
 Taxes....
 Copies... 4.00
 AMT PAID 11.00

RECORDING REQUESTED BY

The Heritage Escrow Company

WHEN RECORDED MAIL TO:

NAME

The Heritage Escrow Company

MAILING ADDRESS (Street number and name)

101 Ygnacio Valley Road, Suite 110

CITY STATE ZIP CODE

Walnut Creek, CA 94596

BRENDA DAVIS
 SANTA CLARA COUNTY RECORDER
 Recorded at the request of
 Escrow Company

RDE # 005
 6/26/2000
 1:21 PM

DO NOT WRITE IN THE SPACE ABOVE. Government Code
 Section 27361.6 reserves space above for exclusive use of County Recorder.

NOTICE OF INTENDED TRANSFER OF RETAIL ALCOHOLIC BEVERAGE LICENSE UNDER SECTIONS 24073 AND 24074 CALIFORNIA BUSINESS AND PROFESSIONS CODE

Read instructions before completing.

1. LICENSEE(S) NAME(S) (Seller)

Kathy Nguyet Le and Tom Thanh Do

2. PREMISES ADDRESS TO WHICH LICENSE(S) HAS/HAVE BEEN ISSUED

1491 South Main Street, Milpitas, CA 95035

3. LICENSEE'S MAILING ADDRESS (if different)

4. APPLICANT(S) NAME (Transferee or Buyer)

Aslam Ali and Gajendra Adhikari

5. PROPOSED BUSINESS ADDRESS (if different than Item 2)

6. MAILING ADDRESS OF APPLICANT

425 - 33rd St. Richmond, CA 94804

7. KIND OF LICENSE INTENDED TO BE TRANSFERRED

Off-Sale Beer & Wine

20-359937

8. ESCROW HOLDER/GUARANTOR NAME

The Heritage Escrow Company

9. ESCROW HOLDER/GUARANTOR ADDRESS

101 Ygnacio Valley Road, Suite 110, Walnut Creek, CA 94596

10. TOTAL CONSIDERATION TO BE PAID FOR THE BUSINESS AND LICENSE INCLUDING INVENTORY, WHETHER ACTUAL COST, ESTIMATED COST, OR A NOT-TO-EXCEED AMOUNT

CASH \$ 315,000.00

CHECKS \$

PROMISSORY NOTES \$ 50,000.00

TANGIBLE AND/OR INTANGIBLE PROPERTY \$

TOTAL AMOUNT \$ 365,000.00

The parties agree that the consideration for the transfer of the business and the license(s) is to be paid only after the Department of Alcoholic Beverage Control has approved the proposed transfer. The parties also agree and herein direct the above-named escrow holder to make payment or distribution within a reasonable time after the completion of the transfer of the license as provided in Section 24074 of the California Business and Professions Code.

Code.

LICENSEE'S SIGNATURE (Transferor or Seller)

Kathy Nguyet Le *Tom Thanh Do*

DATE SIGNED

6-16-00

APPLICANT'S SIGNATURE (Transferee or Buyer)

Aslam Ali *Gajendra Adhikari*

DATE SIGNED

6-16-00

One copy of this notice, CERTIFIED by the County Recorder, together with an additional copy must accompany the application for the transfer of the license.

ABC-227 (8/99)

(Reproduction by HEC 2/00)

State of California, Department of Alcoholic Beverage Control

Attachment 5

DOCUMENT: 15629275

Titles: 1 / Pages: 1

RECORDING REQUESTED BY
First American Title Guaranty Co.

0015629275

Fees....	7.00
Taxes...	
Copies..	4.00
AMT PAID	11.00

WHEN RECORDED MAIL TO:

NAME
First American Title Guaranty Co.

MAILING ADDRESS (Street number and name)

1355 Willow Way Ste. 100

CITY STATE ZIP CODE
Concord, CA 94520BRENDA DAVIS
SANTA CLARA COUNTY RECORDER
Recorded at the request of
OwnerRDE # 003
4/09/2001
3:55 PM

5049 Judy Dunn

DO NOT WRITE IN THE SPACE ABOVE.
Section 27381.8 reserves space above for exclusive use of County Recorder.NOTICE OF INTENDED TRANSFER OF RETAIL ALCOHOLIC BEVERAGE LICENSE UNDER
SECTIONS 24073 AND 24074 CALIFORNIA BUSINESS AND PROFESSIONS CODE
*Read instructions before completing.*1. LICENSEE(S) NAME(S) (Seller)
Aslam Hussain Ali2. PREMISES ADDRESS TO WHICH LICENSE(S) HAS/HAVE BEEN ISSUED
1193 W. El Camino Real, Sunnyvale, CA 94087

3. LICENSEE'S MAILING ADDRESS (if different)

4. APPLICANT(S) NAME (Transferee or Buyer)
Akber A. Hussain

Farida A. Hussain

5. PROPOSED BUSINESS ADDRESS (if different than item 2)

6. MAILING ADDRESS OF APPLICANT
46443 Briar Place, Fremont, CA 945397. KIND OF LICENSE EXTENDED TO BE TRANSFERRED
Off Sale General 21-2686238. ESCROW HOLDER/GUARANTOR NAME
First American Title Guaranty Co.9. ESCROW HOLDER/GUARANTOR ADDRESS
1355 Willow Way Ste. 100, Concord, CA 94520

10. TOTAL CONSIDERATION TO BE PAID FOR THE BUSINESS AND LICENSE INCLUDING INVENTORY, WHETHER ACTUAL COST, ESTIMATED COST, OR A NOT-TO-EXCEED AMOUNT

CASH

\$ 10,000.00

CHECKS

\$ 90,000.00

PROMISSORY NOTES

TANGIBLE AND/OR INTANGIBLE PROPERTY

TOTAL AMOUNT \$ 100,000.00

The parties agree that the consideration for the transfer of the business and the license(s) is to be paid only after the Department Of Alcoholic Beverage Control has approved the proposed transfer. The parties also agree and herein direct the above-named Escrow Holder to make payment or distribution within a reasonable time after the completion of the transfer of the license as Provided in Section 24074 of the California Business and Professions Code.

LICENSEE'S SIGNATURE (Transferor or Seller)

ASLAM HUSSAIN

DATE SIGNED

4-5-01

APPLICANT'S SIGNATURE (Transferee or Buyer)

AKBER HUSSAIN

DATE SIGNED

04.05.01

One copy of this notice, **CERTIFIED** by the County Recorder, together with an additional copy must accompany the application for the transfer of the license.

ABC-227 Reproduced by SM8 (11/99)

State of California, Department of Alcoholic Beverage Control

Att. 5

DOCUMENT: 14146779



0014146779

Titles: 1 / Pages: 1

Fees	7.00
Taxes	
Copies	4.00
AMT PAID	11.00

RECORDING REQUESTED BY:
COMMERCIAL ESCROW SERVICES, INC.

WHEN RECORDED MAIL TO:

COMMERCIAL ESCROW SERVICES, INC.
3478 BUSKIRK AVENUE, SUITE 1032
PLEASANT HILL, CA 94523
ESCROW NO: 39-408-AH

BRENDA DAVIS
SANTA CLARA COUNTY RECORDER
Recorded at the request of
Recording Service

RDE # 009
4/17/1998
2:26 PM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF INTENDED TRANSFER OF RETAIL ALCOHOLIC BEVERAGE LICENSE UNDER
SECTIONS 24073 AND 24074, CALIFORNIA BUSINESS AND PROFESSIONS CODE

1. LICENSEE'S NAME(S) PREMISES ADDRESS TO WHICH LICENSE HAS BEEN ISSUED
ASLAM HUSSAIN 1193 WEST EL CAMINO REAL, SUNNYVALE, CA ~~94086~~ 94087

2. INTENDED TRANSFEREE'S NAME(S) ADDRESS
RAHILL ENTERPRISES, INC. 46443 BRIAR PLACE, FREMONT, CA 94539

3. KIND OF LICENSE(S) INTENDED TO BE TRANSFERRED (NAME AND NUMBER)
TYPE: OFF-SALE GENERAL
NUMBER: 21-268623

4. NAME AND ADDRESS OF ESCROW HOLDER OR GUARANTOR
COMMERCIAL ESCROW SERVICES, INC.
3478 BUSKIRK AVENUE, SUITE 1032, PLEASANT HILL, CA 94523

5. The amount of the purchase price or consideration in connection with the transfer of the license and business (to include inventory whether actual cost, estimated cost, or a not-to-exceed amount)

CHECKS	\$	5,000.00
PROMISSORY NOTE	\$	85,000.00
TOTAL CONSIDERATION	\$	90,000.00

6. The parties agree that the consideration for the transfer of the license(s) is to be paid only after the Department of Alcoholic Beverage Control has approved the proposed transfer. The parties also agree and herein direct the above-named escrow holder to make payment or distribution within a reasonable time after the completion of the transfer of the license as provided in Section 24074 of the California Business and Professions Code. THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT THE ZIP CODE OF THE PREMISES ADDRESS.

TRANSFEROR(S) SIGNATURES:

TRANSFEREE(S) SIGNATURES:

RAHILL ENTERPRISES, INC.

ASLAM HUSSAIN

DATE

3-18-98

BY:

AKBER A. HUSSAIN,
PRESIDENT

3-18-99
DATE

Att. 5



**California Department of Alcoholic
Beverage Control**
License Query System Summary
as of 5/12/2006

License Information	
License Number: 384540	Status: WITHDRAWAL
Primary Owner: ALI AND MIKE INC	
ABC Office of Application: SAN JOSE	
Business Name	
Doing Business As: JERRYS MARKET	
Business Address	
Address: 1491 S MAIN ST Census Tract: 5045.05	
City: MILPITAS County: SANTA CLARA	
State: CA Zip Code: 95035	
Licensee Information	
Licensee: ALI AND MIKE INC	
Company Officer Information	
Officer: ALI ASLAM HUSSAIN, CHIEF FINANCIAL OFFICER	
Officer: ALI ASLAM HUSSAIN, PRESIDENT	
Officer: ADHIKARI GAJENDRA, VICE PRESIDENT	
License Types	
1) License Type: 21 - OFF-SALE GENERAL	
License Type Status: WITHDRAWAL	
Status Date: 05-DEC-2002	Term: 12 Month(s)
Original Issue Date:	Expiration Date:
Master: Y	Duplicate: 0 Fee Code: NA
License Type was Transferred On:	From: 294064
Current Disciplinary Action	
... No Active Disciplinary Action found ...	
Disciplinary History	
... No Disciplinary History found ...	
Hold Information	
Hold Date: 05-DEC-2002	Type: FORM 220
Hold Date: 11-FEB-2002	Type: H & L PROTEST

--- End of Report ---

For a definition of codes, view our [glossary](#).

Att. 6

California Home

Saturday, May 13, 2003

Welcome to California

[Alcoholic Beverage Control Home](#)

[Executive Staff](#)

[About Us](#)

[ABC Licensing](#)

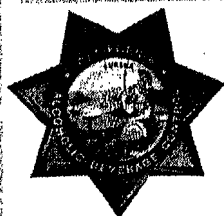
[ABC Special Programs](#)

[Small Business Opportunities](#)

[District Offices](#)

[Frequently Asked Questions](#)

[En Espa#ol](#)



DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

ABC

search

☐ My CA

License Query System - Similar Licensees List

More than one record was found to match your Licensee Name criteria.

Please click on a license number below to narrow your selection:

	Licensee Name	City	License Number	License Status
1)	ALI ASLAM HUSSAIN	SUNNYVALE	268623	CAN
	ALI ASLAM HUSSAIN	LIVERMORE	286064	INACT
	ALI ASLAM HUSSAIN	SAN ANSELMO	286602	CAN
	ALI ASLAM HUSSAIN	LIVERMORE	293484	CAN
	ALI ASLAM HUSSAIN	SACRAMENTO	340895	CAN
	ALI ASLAM HUSSAIN	LOS MOLINOS	343538	WDRL
	ALI ASLAM HUSSAIN	SAN RAFAEL	353754	WDRL
	ALI ASLAM HUSSAIN	INDIO	362710	WDRL
	ALI ASLAM HUSSAIN	INDIO	364360	CAN
	ALI ASLAM HUSSAIN	MILPITAS	367431	CAN
	ALI ASLAM HUSSAIN	MOUNTAIN VIEW	379007	WDRL
	ALI ASLAM HUSSAIN	SOUTH SAN FRANCISCO	380235	CAN
	ALI ASLAM HUSSAIN	CARMICHAEL	380278	CAN
	ALI ASLAM HUSSAIN	SAN JOSE	389843	CAN
	ALI ASLAM HUSSAIN	CARMICHAEL	390482	CAN
	ALI ASLAM HUSSAIN	MILPITAS	395064	ACT
	ALI ASLAM HUSSAIN	SAN FRANCISCO	434722	ACT

[Back to Top of Page](#)

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[Conditions of Use](#) [Privacy Policy](#)

A++ 7

Document: "Untitled".
Number of pages spooled: 1.

License Info

☐ Include Daily License Locations
☐ Active Statuses Only ('ACT', 'ISUS', 'REUP', 'R64B', 'R65', 'SLMS')

Type 41 = On-Sale Beer & Wine
Type 21 = Off-Sale General
Type 20 = Off-Sale Beer & Wine



**California Department of Alcoholic
Beverage Control**
*License Query System Summary
as of 5/10/2006*

License Information	
License Number: 395084	Status: ACTIVE
Primary Owner: ALI ASLAM HUSSAIN	
ABC Office of Application: SAN JOSE	
Business Name	
Doing Business As: JERRYS QUICK MART	
Business Address	
Address: 1491 S MAIN ST Census Tract: 5045.05	
City: MILPITAS County: SANTA CLARA	
State: CA Zip Code: 95035	
Licensee Information	
Licensee: ALI ASLAM HUSSAIN	
License Types	
1) License Type: 20 - OFF-SALE BEER AND WINE	
License Type Status: ACTIVE	
Status Date: 25-NOV-2002	Term: Month(s)
Original Issue Date: 25-NOV-2002	Expiration Date: 31-AUG-2006
Master: Y Duplicate: 0 Fee Code: NA	
License Type was Transferred On: From: 367431	
2) License Type: 21 - OFF-SALE GENERAL	
License Type Status: PENDING	
Status Date: 03-JAN-2006	Term: Month(s)
Original Issue Date:	Expiration Date:
Master: Y Duplicate: 0 Fee Code: NA	
Current Disciplinary Action	
... No Active Disciplinary Action found ...	
Disciplinary History	
... No Disciplinary History found ...	
Hold Information	
Hold Date:	Type: FORM 220
Hold Date: 14-FEB-2006	Type: H & L PROTEST

--- End of Report ---

For a definition of codes, view our [glossary](#).

Att. 8

Jerry's Market

1491 South Main St

Milpitas, Ca 95035

(408) 946-8050

Date: April 19, 2006

To Cindy Hom.

Planning Department

RE; Jerry's Market (1491 So, Main St Milpitas, CA)

Jerry's Deli has been here serving its community since the early 1980s. We carry things like snacks for the kids, milk, bread and many other household items that one would use on daily base.

We also sell beer and wine, but many of our regular customers ask us to carry hard alcohol such as brandy and rum. Our neighborhood customers shop at this store for items such as milk, bread, paper towels, canned goods and cleaning products, but have to drive more then a mile to purchase bottle of rum or vodka.

Please accept our application and allow us to upgrade our license so we may fulfill our customer's needs. We will not be making any changes to the size or structure of building. Just would like to carry more products to serve our customers.

Sincerely.

Aslam Ali

RECEIVED

APR 19 2006

**CITY OF MILPITAS
PLANNING DIVISION**

Bob Sylvia ABC Consulting
3984 Washington Blvd. #126
Fremont, CA 94538
(510) 386-0000
(510) 683-6741 Office & Fax

May 4, 2006

Ms Cindy Hom, Senior Planner
City of Milpitas Planning Department

Dear Ms Hom,

I am writing you at the request of Mr. Aslam Ali, who as you know owns and operates Jerry's Market at 1492 S. Main Street, Milpitas. Mr. Ali has recently asked me to assist him and his attorney, Rick Warren, with his application to upgrade his alcoholic beverage license from a Beer & Wine Off-Sale license to a General Off-Sale license that will allow him to sell spirits as well as beer and wine.

Last Wednesday, April 26th, after meeting with Mr. Ali regarding his application, I called and spoke with Investigator Robert Martin from the State Department of Alcoholic Beverage Control (ABC), San Jose District Office, who is assigned to investigate Mr. Ali's Type 21 ABC application. Investigator Martin indicated that the Department had received several protests from residents in the area of Jerry's Market. He mentioned that, while at this point he has not made a final determination on his recommendation regarding the ABC license application, he discussed with me some possible "Conditions" that address the concerns of the protests.

Many of the conditions he mentioned are similar to those addressed in Mr. Warren's recent correspondence to you and Mr. Carrington, such as closing earlier than 2:00 a.m., and other actions to ensure prompt trash pick up, graffiti removal and preventing loitering and consuming alcoholic beverages in the premises parking lot. This is not intended to suggest the ABC has made a final determination on the outcome of their investigation or conditions that might be utilized, but to share the above information.

During my 17 years working for the ABC, most recently as the head of the San Jose office, it was a common practice to use conditions that mitigated the concerns of those who protested. Such conditions were common because they were successful in controlling the impact of a licensed business on the surrounding community. I believe Mr. Ali intends to add the same conditions on his General Off-Sale ABC license as proposed in Mr. Warren's letter to you. That would give greater opportunity for enforcement if he failed to live up to his commitments. And, just as the CUP conditions run with the land and are applicable to subsequent owners, the ABC conditions are carried over to subsequent licensees unless they can demonstrate that the reasons for such conditions, here the protest of neighbors, no longer exists. That is unlikely.

I understand that some protests expressed a concern that the store once licensed could be converted to liquor store instead of its present operation as a convenience store that serves the neighborhood. An effective way to prevent that is to limit the percent of square footage that may be used for the sale of alcoholic beverages. I believe Mr. Ali is agreeable to such a limitation as a further condition. He proposes that he be permitted to display alcoholic beverages in the

present square footage plus ten percent. Mr. Ali will have the specific percentage calculated when he meets with you on May 5th.

Based on my experience, there is no difference to the neighbors in the operation of a market such as Jerry's Mart depending on whether spirits are sold in addition to beer and wine. I believe the granting of privileges to sell spirits, *subject to the conditions proposed by Mr. Ali*, will provide the City controls over the store's operation that will give tangible benefits to the neighborhood; which practically speaking, cannot otherwise be imposed because Mr. Ali runs an excellent store. Granting Mr. Ali's application with the proposed conditions would, in my view, give the neighbors and Mr. Ali's customers a win-win.

If you have questions, I can be reached at 510-386-0000. Thank you very much for your consideration of my views.

Respectfully,

Robert D. Sylvia
Consultant / Owner
Bob Sylvia ABC Consulting
(Retired ABC District Administrator)

Russ Bargstadt
1307 Stardust Way
Milpitas, CA 95035
President, Starlite Pines Homeowners Assoc.

RECEIVED

MAY 23 2006

CITY OF MILPITAS
PLANNING DIVISION

Milpitas Planning Commission
Milpitas City Hall
455 E. Calaveras Blvd.
Milpitas, CA 95035

RE: Pending request by Jerry's Deli to expand liquor sales to include sale of hard alcohol for offsite consumption.

Distinguished Members of the Planning Commission:

The Board of Directors of the Starlite Pines Homeowners Association would like to take this opportunity to respectfully request that the Planning Commission reject the request by the Owners of Jerry's Deli on Main Street to be allowed to sell hard alcohol. The residents of the Pines are strongly opposed to any such action. It is the feeling of the Board and a majority of the Homeowners, as represented at our annual meeting May 1st and attended by Planning Commission Staff, that allowing Jerry's to sell hard alcohol will add to an already unacceptable nuisance in our neighborhood. Commentary at the annual meeting on the subject was verbal and limited to three minutes per person. Mr. Ali, the owner and four people spoke in favor, of the nearly 100 home owners in attendance no others were favorable to his request. More than 15 residents spoke against before, after over an hour, we cut the discussion off.

Residents of the Pines are already subjected to Jerry's clientele consuming their beer and wine in our commons areas behind the sound wall along Main Street. There is a consistent problem of empty beverage cans and bottles, broken glass, noise and vagrants in the area. Residents also complain of refuse being thrown over their private fences into their back yards. Parents are reluctant to allow their children to utilize our play areas along the wall due to intimidation, direct and indirect, created by these transients to our neighborhood.

While Mr. Ali has done much to cleanup and police his own property and has presented himself as a community minded businessman, he has no control over people walking the 100ft around behind the sound wall or in many cases scaling the wall to consume their beverage of choice on our private property. We have sustained vandalism in the form of damage to the sound wall by people knocking the top row of concrete blocks out and using the broken blocks as a staircase. We have graffiti on our park benches and walls which we must continuously paint over and our landscaper and residents are the ones picking up their garbage.

It has also come to our attention that Mr. Ali has circulated a petition in support of his new business venture. We would ask that the Commission carefully verify and validate any such document and its supposed signatures. Several residents have indicated that it was falsely represented to them as adding the sale of fresh vegetables and expanding the deli without being told it included hard alcohol sales. We also believe not all of the signatures to be those of legitimate Starlite Pines Homeowners.

We had this same battle with Jerry's Deli in 2002 and we were successful in our efforts to block the expansion into hard alcohol sales and although this time it has gone one step further toward approval, we hope ultimately for a similar outcome. We ask that you assist us in our efforts to improve our neighborhood and not add to the problems we already face.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Russ Bargstadt".

Russ Bargstadt
President, Starlite Pines Homeowners Assoc.

4/29/2006

To: The Pines Residents

From: The Pines Residents Living Close to Jerry's

Pines' residents are needed at the below meetings to speak against the selling of hard liquor at Jerry's Market. This flyer is also addressed to those who are in favor. For those residents who want the convenience of buying hard liquor in their own neighborhood, please instead consider the needs and benefits to the The Pines neighborhood as a whole; those residents living on Lonetree Court, Greentree Way and Woodland Way closest to Jerry's, and The Pines' children as being more important and worthwhile than being able to buy liquor in your neighborhood. Please do the right thing and oppose the liquor license.

1. There is a Community Meeting on Monday, May 1, 2006 at 7:00 p.m. at Zanker School, and
 2. There will be a City of Milpitas Planning Commission meeting at City Hall on May 24, 2006.
- (These dates were announced by mail—they may change.)

These meetings will have a discussion and comment opportunity to discuss the application of Mr. Aslam Hussain Ali, the owner of Jerry's Market, for the California State Alcoholic Beverage Control Board (the ABC) to grant him a license to sell hard liquor at Jerry's Market, 1491 S. Main Street, Milpitas, CA (in addition to the beer and wine he already is allowed to sell). It appears the ABC turned him down and Mr. Ali has appealed to the Milpitas Planning Commission.

Jerry's Market under various owners has tried to obtain a hard liquor license for years. It has always been denied because of the closeness to people's houses. They are allowed to reapply every four years or so. In the literature from the ABC in the last attempt of Jerry's in 2002, the reasons to deny a liquor license application are:

1. The premises is located in an immediate vicinity of residential properties and would cause interference,
2. The premises is located near a school and would cause interference,
3. The upgraded license will increase public nuisances, such as noise, litter and graffiti,
4. The premises with the upgraded license will increase or cause a law enforcement problem.

On the ABC website, www.abc.ca.gov/questions, there should not be a liquor store within 600 feet of schools and 100 feet of residences because it is contrary to public welfare and morals and interferes with the quiet enjoyment of their property by residents. The questions the ABC asked in 2002 regarding protest of the license which are the reasons to deny the license were: (the answers are all "yes"):

1. Would the license affect your quiet and peaceful enjoyment?
2. Do you have children that attend Zanker and would the license create a disruption to the school?
3. Are you having problems with noise from the market or its parking lot, especially at night?
4. Do you see drunks/drug users in the area or in the premises' parking lot, especially at night?
5. Has your residence been burglarized or vandalized?
6. Is there a problem with persons loitering in the area or in the premises' parking lot?
7. Is there a problem with minors purchasing or consuming alcoholic beverages in the area?
8. Have you ever seen people urinating or vomiting on or near the premises and its parking lot?
9. Do you feel the addition of selling liquor will bring in additional traffic?
10. If conditions were placed on the license would it still interfere with your quiet and peaceful enjoyment and the school's operation?

(OVER)

MIKE No voting
36 Greentree Way

From these questions it is clear liquor stores are associated with various crimes and public nuisances. Quotes from www.sfgate.com and www.cbs5.com regarding the liquor store problem in Oakland: "Alcohol sales are a magnet for bad behavior." "Liquor stores draw drug dealers, gamblers, loiterers and prostitutes." "Problems have worsened despite her constant calls to police and long logs of criminal activity." "Once you grant the (liquor) license, they have a property right to keep the license."

OTHER REASONS TO DENY THE LICENSE:

A. There are a lot of stores that sell liquor within a two-mile or five-minute radius from The Pines. They are all located in commercial areas instead of residential because of the nuisance factor for a residential neighborhood. They are in shopping centers that have more parking, security and services to clean up the trash that stays on their parking lot, not the surrounding neighborhood as in Jerry's situation:

1. Beverages and More one-half mile away at the Great Mall with all kinds of liquor.
2. Safeway at Rivermark and the new Safeway being built in Milpitas sell or will sell liquor 24 hours a day.
3. Albertson's and Safeway sell liquor and are open until 12 a.m. There are also Long's Drug Store, Capitol Liquor and Groceries, Lucky Liquors, Ceci's Liquor and Mini Mart, etc. Most liquor stores have convenience items.
4. Milpitas Liquors close by on Main Street and Buy to Save Liquors on Abel are open to 2:00 a.m.

B. There are 10,000 new housing units planned to be built in our immediate area. This means many more children plus the The Pines' children on the streets going to and from school, the Mall, Jerry's, and the bus stops. They don't need more of the people that loiter around liquor stores.

C. There is already too much crime in the area of Jerry's: graffiti, transients, loitering gang members, vandalism, murder, rape, residential and commercial burglaries, auto theft, theft from Zanker School, plus breaking of St. John's windows and robberies at the other liquor stores, etc. We don't need more crime.

D. The liquor license at Jerry's needs to be denied outright. Placing conditions on the license would be only temporary fixes to be able to obtain the license and will have no permanent effect on the loitering, graffiti and nuisance at the store. The graffiti at, on and nearby Jerry's Market was recently only painted over after protests to this license were made to the ABC. Just last week before these meetings were announced, Jerry's brought in a crew to clean up the landscaping. In the 1998 application for a liquor license, the owners installed security cameras in the parking lot but they were not turned on, not working, not useful. After this issue is settled this time, the graffiti will return and stay and so will the loiterers, their litter and noise. Quote from the Milpitas Planning Commission minutes of Sept. 2005 regarding a liquor license store applicant at another location (Use permit approval UA2005-12), "... said he does not agree with this condition because he cannot control what people do outside of his business." "...loitering in the parking lot...it is a standard condition..."

Please come to the meetings and protest this issue of turning Jerry's Market into a liquor store. It is very important in order that The Pines' condition stay pretty good and not degenerate. Homes are kept up better than before, remodeled, repainted, new roofs, nice landscaping—let's keep The Pines' a good place to live for families and for children. Thanks

COPY



MEMORANDUM

Office of Thomas Nishisaka, Chief of Police

To: Honorable Mayor and City Council
Through: Charlie Lawson, City Manager
From: Thomas Nishisaka, Chief of Police
Subject: Jerry's Market, 1491 S. Main Street
Date: February 16, 2006

Mr. Russ Bargstadt addressed the city council at citizen's forum on February 7, 2006 in response to Jerry's Market, 1491 S. Main Street requesting an amendment to their current license to include the sale of "hard liquor" (off sale general license) with the Department of Alcoholic Beverage Control (A.B.C.). Mr. Bargstadt, representing the Starlite Pines Homeowners Association objected to the licensing change and wanted the support of the city council.

120 police incidents have been recorded at the location in the past two years. These incidents include disturbances, thefts, alarm calls, 9-1-1 calls and vehicle stops. Additionally, officers in the past have been contacted by neighborhood residents who expressed their concerns over the customers that "jump" the fence, loiter and drink alcoholic beverages, purchased from Jerry's Deli, in the children's park and nearby greenbelt area. The customers have left the park and surrounding area littered with beer bottles and cans.

The City Planning Department has also informed the Police Department that Jerry's Market would need Planning Commission approval before they can be approved for a change in conditions.

We have confirmed with A.B.C. that they have received protests to this amendment from neighboring residents. They informed us that a license change would be difficult to obtain based on the protests they have received from the residents.

A.B.C. informs us that Jerry's Market currently has no restrictions to their off sale beer and wine license. A.B.C. suggested additional conditions could be considered (if an amendment is requested) that includes a minimum purchase (no single sales) to discourage nearby consumption, increased lighting around the parking lot, 24-hour surveillance cameras in the parking lot, reinforcing and raising the top of the cement wall and limiting the time of sales of alcoholic beverages.

The Police Department is not supportive of an amendment to the existing A.B.C. conditions and we have verbally communicated our position with the A.B.C.

Reference: Attachment

Police Incidents

Jerry's Market, 1491 S. Main Street

EVENT #	CODE	TOC	DISPO	ADDRESS
PD05175033	1033A	06/24/05 03:10	Audible Alarm	1491 S MAIN ST, JERRYS DELI
PD04195033	1033A	07/13/04 08:19	Audible Alarm	1491 S MAIN ST, JERRYS DELI
PD05105038	1033A	04/15/05 05:08	Audible Alarm	1491 S MAIN ST, JERRYS DELI
PD05242013	1033A	08/30/05 02:18	Audible Alarm	1491 S MAIN ST, JERRYS DELI
PD04203141	1033S	07/21/04 17:36	Silent Alarm	1491 S MAIN ST, JERRYS DELI
PD05248120	1033S	09/05/05 15:06	Silent Alarm	1491 S MAIN ST, JERRYS DELI
PD06055169	1053	02/24/05 16:34	Man Down	1491 S MAIN ST, JERRYS DELI
PD05256216	1062	09/13/05 21:39	Meet the Citizen	1491 S MAIN ST, JERRYS DELI
PD05283224	1062	10/10/05 22:49	Meet the Citizen	1491 S MAIN ST, JERRYS DELI
PD05318088	1062	11/14/05 10:44	Meet the Citizen	1491 S MAIN ST, JERRYS DELI
PD05318094	1062	11/14/05 11:12	Meet the Citizen	1491 S MAIN ST, JERRYS DELI
PD05319058	1062	11/16/05 07:36	Meet the Citizen	1491 S MAIN ST, JERRYS DELI
PD05339071	1062	12/05/05 09:35	Meet the Citizen	1491 S MAIN ST, JERRYS DELI
PD05339097	1062	12/06/05 12:11	Meet the Citizen	1491 S MAIN ST, JERRYS DELI
PD05347165	1062	12/13/05 14:03	Meet the Citizen	1491 S MAIN ST, JERRYS DELI
PD05353079	1062	12/19/05 13:19	Meet the Citizen	1491 S MAIN ST, JERRYS DELI
PD05361112	1062	12/27/05 12:17	Meet the Citizen	1491 S MAIN ST, JERRYS DELI
PD05361126	1062	12/27/05 13:26	Meet the Citizen	1491 S MAIN ST, JERRYS DELI
PD06009113	1062	01/09/06 12:48	Meet the Citizen	1491 S MAIN ST, JERRYS DELI
PD06010121	1062	01/10/06 11:36	Meet the Citizen	1491 S MAIN ST, JERRYS DELI
PD06034194	1062	02/03/06 17:02	Meet the Citizen	1491 S MAIN ST, JERRYS DELI
PD04309132	1062	11/04/04 16:28	Meet the Citizen	1491 S MAIN ST, JERRYS DELI
PD05147191	1062	05/27/05 20:21	Meet the Citizen	1491 S MAIN ST, JERRYS DELI
PD05215027	1066	08/03/05 02:36	Suspicious Person	1491 S MAIN ST, JERRYS DELI
PD05250167	1066	09/07/05 17:11	Suspicious Person	1491 S MAIN ST, JERRYS DELI
PD04158033	10661R	06/07/04 06:30	Recovered Stolen Veh	1491 S MAIN ST, JERRYS DELI
PD05215081	1096	08/03/05 09:31	Person Stop-Send Fill	1491 S MAIN ST, JERRYS DELI
PD05319151	1096	11/15/05 14:31	Person Stop-Send Fill	1491 S MAIN ST, JERRYS DELI
PD05331065	1096	11/27/05 10:28	Person Stop-Send Fill	1491 S MAIN ST, JERRYS DELI
PD05382066	1096	12/28/05 08:48	Person Stop-Send Fill	1491 S MAIN ST, JERRYS DELI
PD04223138	1096	08/10/04 15:38	Person Stop-Send Fill	1491 S MAIN ST, JERRYS DELI
PD05037008	1096	02/06/05 00:22	Person Stop-Send Fill	1491 S MAIN ST, JERRYS DELI
PD04352126	1096	12/17/04 15:31	Person Stop-Send Fill	1491 S MAIN ST, JERRYS DELI
PD05030006	1096	01/30/05 00:30	Person Stop-Send Fill	1491 S MAIN ST, JERRYS DELI
PD05334186	1096	11/30/05 19:53	Person Stop-Send Fill	1491 S MAIN ST, JERRYS DELI
PD04086109	1124	03/26/04 13:58	Abandoned Vehicle	1491 S MAIN ST, JERRYS DELI
PD06021159	1125	01/21/06 16:40	Traffic Hazard	1491 S MAIN ST, JERRYS DELI
PD04185187	1154	07/13/04 16:59	Suspicious Vehicle	1491 S MAIN ST, JERRYS DELI
PD05234054	1154	08/22/05 04:40	Suspicious Vehicle	1491 S MAIN ST, JERRYS DELI
PD06026150	1181	01/26/06 13:49	MVA Minor Injury	1491 S MAIN ST, JERRYS DELI
PD05330114	1181	11/26/05 14:37	MVA Minor Injury	1491 S MAIN ST, JERRYS DELI
PD06029108	1182	01/29/06 10:59	MVA Non Injury	1491 S MAIN ST, JERRYS DELI
PD05272205	1195	09/29/05 21:09	Vehicle Stop No Fill	1491 S MAIN ST, JERRYS DELI
PD06005012	1195	01/05/06 01:11	Vehicle Stop No Fill	1491 S MAIN ST, JERRYS DELI
PD05172022	1196	06/21/05 02:18	Vehicle Stop Send Fill	1491 S MAIN ST, JERRYS DELI
PD05214032	1196	08/02/05 04:12	Vehicle Stop Send Fill	1491 S MAIN ST, JERRYS DELI
PD05215014	1196	08/03/05 01:28	Vehicle Stop Send Fill	1491 S MAIN ST, JERRYS DELI
PD05227168	1196	08/15/05 18:44	Vehicle Stop Send Fill	1491 S MAIN ST, JERRYS DELI
PD05227170	1196	08/15/05 18:58	Vehicle Stop Send Fill	1491 S MAIN ST, JERRYS DELI
PD05308187	1196	11/04/05 17:50	Vehicle Stop Send Fill	1491 S MAIN ST, JERRYS DELI
PD05348109	1196	12/14/05 10:27	Vehicle Stop Send Fill	1491 S MAIN ST, JERRYS DELI
PD06005011	1196	01/05/06 01:11	Vehicle Stop Send Fill	1491 S MAIN ST, JERRYS DELI
PD04358039	1196	12/23/04 04:15	Vehicle Stop Send Fill	1491 S MAIN ST, JERRYS DELI
PD05028197	1196	01/28/05 22:51	Vehicle Stop Send Fill	1491 S MAIN ST, JERRYS DELI
PD05259205	1196	09/16/05 21:12	Vehicle Stop Send Fill	1491 S MAIN ST, JERRYS DELI
PD04205203	415	07/23/04 20:22	Disturbance	1491 S MAIN ST, JERRYS DELI
PD05200195	415F	07/19/05 22:09	Fight	1491 S MAIN ST, JERRYS DELI

Police Incidents

Jerry's Market, 1491 S. Main Street

PD04224225	PR	08/11/04 22:58	Police PR Detail	1491 S MAIN ST, JERRYS DELI
PD04275108	PTOW	10/01/04 16:27	Private Prop Tow	1491 S MAIN ST, JERRYS DELI
PD05216082	THEFT	08/04/05 12:53	Theft Report	1491 S MAIN ST, JERRYS DELI
PD06009146	THEFT	01/09/06 15:07	Theft Report	1491 S MAIN ST, JERRYS DELI
PD05320107	TRANS	11/22/05 12:51	Transient Problem	1491 S MAIN ST, JERRYS DELI

Jerry's Market

1491 south Main Street
Milpitas, CA 95035

To Cindy Hom
City of Milpitas Planning Dept

Re: Jerry's Market

Date 04/11/06

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APR 11 2006

CITY OF MILPITAS
PLANNING DIVISION

Dear Cindy,

Just to inform you that we had meeting with Pines HOA last night, they voted unanimously to approve our application for upgrade of alcohol license.

Sincerely,

Aslam Ali.
(408) 933-8000

CC : Alcohol Beverage Control



SAN ANSELMO POLICE
DEPARTMENT

BERNIE DEL SANTO
CHIEF OF POLICE
(RETIRED)

(415) 482-8184

Bernard L. Del

66 Maple Ave Fairfax, CA
(415) 482-8184

March 24, 2006

Chief Thomas Nishisaka
Milpitas Police Department
Milpitas, CA

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APR 11 2006

CITY OF MILPITAS
PLANNING DIVISION

Re: Aslam Ali/Jerry's Market

Dear Chief Thomas

I understand Aslam Ali is seeking to upgrade his beer and wine license to a liquor license. I have been requested to write and describe my experience with their convenience store in San Anselmo, California.

I was Chief of Police in San Anselmo from 1979 to 1999. Both, Aslam and Shams Ali purchased the San Anselmo convenience store in 1993. The store was always very neat and clean and pleasant to visit. The police department never experienced any problems with graffiti, loitering or any illegal activity. Aslam and Shams took a proactive approach towards the community and to the best of my knowledge, always followed the letter of the law by never selling alcohol to minors. As a matter of fact, they were extremely strict about checking IDs when cigarettes and alcohol were purchased.

Our San Anselmo Police Department's ran a DECOY operation in 1995 & 1997 and both times Ali's location passed with flying colors. However, two other stores in the same area were not so lucky.

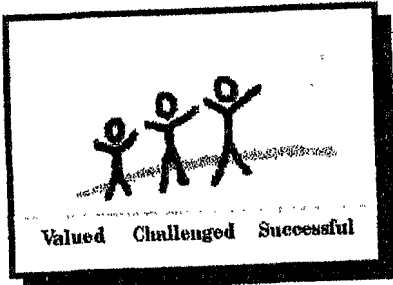
If I can be of any assistance, please feel free to contact me at (415) 497- 9199 or 415-482-8184.

Sincerely,

A handwritten signature in cursive script, reading "Bernard L. Del Santo".

Chief Bernard L. Del Santo (Ret.)
San Anselmo Police Department

CC: Alcohol Beverage Control
City Manager Mr. Charles Lawson



Milpitas Unified School District

1331 E. Calaveras Blvd. | Milpitas, CA 95035 | (408) 945-2315

March 16, 2006

Mr. Martin
ABC Investigator

Dear Mr. Martin,

I am principal of Zanker Elementary School, which is within walking distance to Jerry's Market at 1491 S. Main Street, Milpitas. I understand that they are seeking a liquor license. Mr. Ali has been very supportive of Zanker School and has shown interest in us. I believe he would insure that a liquor license would not pose a problem for our students or our school. At this time, therefore, I will not oppose his request.

Sincerely,

Katherine Doi

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CITY OF MILPITAS
PLANNING DIVISION

Pearl Zanker Elementary School

1585 Fallen Leaf Dr., Milpitas, CA 95035 (408) 945-2438
Katherine Doi

April 10th, 2006

To: Starlight Pine Homeowner association

Re: Aslam Ali/Jerry's Market

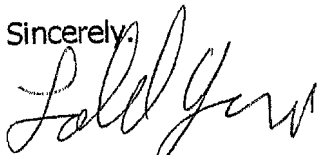
Dear Mr. President:

I have been a resident of Starlight Pines for the past 25 years. I have always opposed and fought against Jerry's Deli's liquor license. In the last 5 years, since Aslam & Shams purchased the deli, things have changed. The store is very clean and well stocked. I don't see any loitering or any drunks in front of the store. We should not punish Aslam and Shams for anything the previous owner might have done. We should not block his application for a liquor license.

Please work out some kind of arrangement with Jerry's Deli so they have their license.

Thank you for your time and consideration.

Sincerely,



Ladd ~~Yam~~ YANI

1825 Forest ct

Milpitas, CA 95035

(408) 262-6634

CC: Alcohol Beverage Control

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APR 11 2006

CITY OF MILPITAS
PLANNING DIVISION

Roadrunner Glass
1452 South Main St Milpitas CA 95035
(408) 263-6771

March 22, 2006

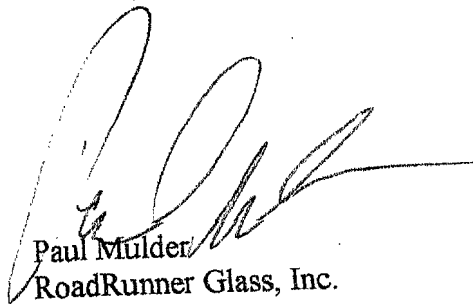
To: All concerned citizens
Re: Aslam Ali / Jerry's Market

Dear Chief Thomas:

In July of 2005 I purchased RoadRunner Glass. We are located directly across the street from Jerry's Market. Aslam Ali has been a great neighbor. The store is always well kept and everyone is very nice, attentive, and polite. There have been several occasions that I have visited the store and over-heard regular customers asking for hard liquor. Aslam has had to send his customers to a competitor's store, sometimes not even in Milpitas. I could see the frustration in his facial expressions, not being able to satisfy the needs of a customer.

Thanks for your understanding.

Sincerely,



Paul Mulder
RoadRunner Glass, Inc.

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APR 11 2006

CITY OF MILPITAS
PLANNING DIVISION

CC: Alcohol Beverage Control
City Manager Mr. Charles Lawson

WORLD WIDE AUTO

1620 S. MAIN STREET
MILPITAS, CA 95035

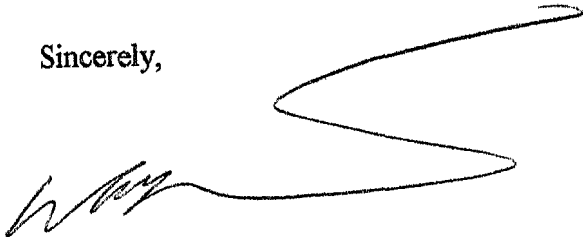
Date : March 10, 2006

Dear ABC Investigator

I am the owner of World Wide Auto shop, across from Jerry's market. I shop at Jerry's just about everyday, and I enjoy going to Ali's shop because its very convenient also they have a good customer service.

We support Mr. Ali's request to upgrade his license to sell hard liquor at Jerry's Market

Sincerely,



Wayne

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APR 11 2006

CITY OF MILPITAS
PLANNING DIVISION

CC : Chief of Police For Milpitas California.

----- (408) 946-8279 -----

Precision Tune Auto Care

March 23, 2006

To: All Concerned Citizens
RE: Aslam Ali / Jerry's Market

Dear Chief Thomas:

I am the owner of Precision Tune Auto Care at 1630 S. Main St. Jerry's Market is located close to our facility. In addition to being a neighbor of the market, I and all of my staff at Precision Tune Auto Care are patrons of Mr. Ali's market. His staff are courteous and helpful. We consider Jerry's Market a benefit to the local community. It is a pleasure to have a family owned local business supporting us.

We support Mr. Ali's request to upgrade his license to allow the sale of "hard liquor."

Sincerely,



Dennis Sweeney

President, Main Street Automotive, Inc.
Dba Precision Tune Auto Care of Milpitas

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APR 11 2006

CITY OF MILPITAS
PLANNING DIVISION

CC: Alcohol Beverage Control

City Manager Mr. Charles Lawson

Zaki Mubashir

Rental Branch Manager

408-942-0500 tel

408-934-7624 fax

zaki.mubashir@erac.com



1418 S. Main St.
Milpitas, CA 95035
www.enterprise.com

03/26/2006

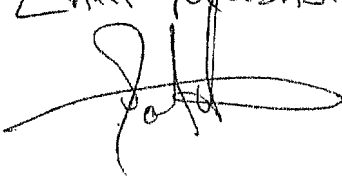
Dear Chief of Police.

Our team at Enterprise Car Rental wholeheartedly supports Jerry's application to sell liquor. Please give him the opportunity to take care of his customers by approving his application.

I strongly suggest shopping at Jerry's Market at least once; and you will definitely appreciate the store and their friendly service.

Once again please approve his application.

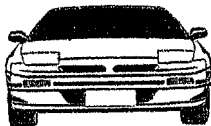
Thank You.

ZAKI MUBASHIR


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APR 11 2006

PLANNING DIVISION



MILPITAS AUTO BODY

March 23, 2006

To whom it may concern:

This letter is in reference to our business neighbor, Aslam Ali who is the owner of Jerry's Market on South Main St. and currently in the process of obtaining a license to sell alcohol in his establishment.

I own and operate Milpitas Auto Body in Milpitas and am a direct neighbor of Mr. Ali's. My employees and I would like to offer support to Mr. Ali in this venture as we feel that he has been a responsible and hardworking professional in our community. Our business has benefited from his services, personally as well as professionally and we encourage our own customers to frequent his establishment while waiting for estimates and repairs.

Mr. Ali and his employees have always been professional and responsible at every level in any transactions and we have never witnessed or experienced any negative behavior from his patrons. We feel that he offers many great services and his business has been a nice convenience for our community and we welcome any positive changes.

Again, we support the application of this license and ask that his request be granted.

Thank you.

John Whaley, Owner
Milpitas Auto Body

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APR 11 2006

CITY CLERK AND
PLANNING DIVISION

CC: Alcohol Beverage Control
City Manager Mr. Charles Lawson



License #526583

March 23, 2006

RE: Jerry's Market - Liquor License

Dear Chief Thomas,

M & B Plumbing is located across the street from Jerry's Market. We regard Aslam Ali (Jerry's Market) as a good neighbor. They provide us with excellent service. We appreciate the fact that the store is well kept (making improvements as needed to serve their patrons better).

Some of our employees have asked Aslam for hard liquor, only to be told that he does not have a license to sell hard liquor. It would be a benefit to do "one stop shopping" on their way home and I'm sure that we are not the only customers that feel this way.

I hope that you will take this into consideration when making the decision as to whether Aslam Ali will obtain this license.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Austin', is written over a horizontal line.

Robert Austin
Owner / President

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APR 11 2006

CITY OF MILPITAS
PLANNING DIVISION

CC: Alcohol Beverage Control
City Manager Mr. Charles Lawson

M & B Plumbing Inc. * 1440 S. Main Street, Milpitas CA 95035 * Phone (408) 262-4800 *
Fax (408) 262-0602

LIBERTI'S AUTO ELECTRIC
1476 SO. MAIN ST. MILPITAS, CA 95035
(408)263-3339

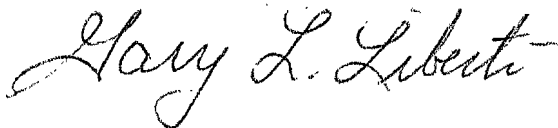
March 22, 2006

To: All concerned citizens
Re: Aslam Ali / Jerry's Market

Dear Chief Thomas,

I opened my business in Milpitas in 1972. My shop is located directly across the street from Jerry's Market. My employees and I purchase our coffee most every morning from Aslam or his wife, Shams. They are both very responsible and personable business owners. I don't see any reason why they shouldn't be granted a liquor license.

Sincerely,



Gary L. Liberti

cc: Alcohol Beverage Control
City Manager Mr. Charles Lawson

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APR 11 2006
CITY OF MILPITAS
PLANNING DIVISION

SILICON VALLEY LOCKMASTERS, INC.

YOUR FULL SERVICE SECURITY CENTER

1444 SOUTH MAIN STREET
MILPITAS, CALIFORNIA 95035
PH. (408) 262-2096 FAX (408) 262-5517

March 22, 2006

To: All concerned citizens
Re: Aslam Ali / Jerry's Market

Dear Chief Thomas,

I am the Owner of Silicon Valley Lockmasters, Inc. which is located across from Jerry's market owned by Aslam Ali and his wife Shams. I would like to request you and the Department of ABC to approve his application for upgrading his Alcoholic licenses so he is allowed to sell hard liquor.

I have known the store owner's since 1999 and feel they have provided good friendly service to their customers as well as keeping the store and area clean. As a retired Police officer I am well aware of the consequences of drinking and driving. In that the store gets a lot of walk in neighborhood customers. I believe this would benefit the community that the customers would not be driving their vehicles to another liquor store.

Sincerely,

Dean Reese

X- 

cc: Alcohol Beverage Control
City Manager Mr. Charles Lawson

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APR 11 2006

CITY OF MILPITAS
PLANNING DIVISION

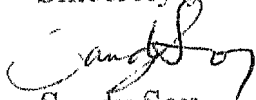
March 22, 2006

To: All concerned citizens
Re: Aslam Ali/ Jerry's Market

Dear Chief Thomas,

I am the owner of EXACT MOTORSPORTS, which is located across from Jerry's Market own by Aslam Ali. Please approve Jerry's Deli application for liquor license, we are in support for his application. Thank you. If you have any question, please contact Sandy Sou at 408-416-0061.

Sincerely yours,


Sandy Sou

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APR 11 2006

CITY OF HONOLULU
PLANNING DIVISION

cc: Alcohol Beverage Control
City Manager Mr. Charles Lawson



SAN ANSELMO POLICE
DEPARTMENT

BERNIE DEL SANTO
CHIEF OF POLICE
(RETIRED)

(415) 482-8184

Bernard L. Del

66 Maple Ave Fairfax, CA
(415) 482-8184

March 24, 2006

Chief Thomas Nishisaka
Milpitas Police Department
Milpitas, CA

Re: Aslam Ali/Jerry's Market

Dear Chief Thomas

I understand Aslam Ali is seeking to upgrade his beer and wine license to a liquor license. I have been requested to write and describe my experience with their convenience store in San Anselmo, California.

I was Chief of Police in San Anselmo from 1979 to 1999. Both, Aslam and Shams Ali purchased the San Anselmo convenience store in 1993. The store was always very neat and clean and pleasant to visit. The police department never experienced any problems with graffiti, loitering or any illegal activity. Aslam and Shams took a proactive approach towards the community and to the best of my knowledge, always followed the letter of the law by never selling alcohol to minors. As a matter of fact, they were extremely strict about checking IDs when cigarettes and alcohol were purchased.

Our San Anselmo Police Department's ran a DECOY operation in 1995 & 1997 and both times Ali's location passed with flying colors. However, two other stores in the same area were not so lucky.

If I can be of any assistance, please feel free to contact me at (415) 497- 9199 or 415-482-8184.

Sincerely,

Chief Bernard L. Del Santo (Ret.)
San Anselmo Police Department

CC: Alcohol Beverage Control
City Manager Mr. Charles Lawson

RECEIVED

APR 11 2006

CITY OF MILPITAS
PLANNING DIVISION

Cindy Hom

From: Caly Chiu [caly_chiu@yahoo.com]
Sent: Monday, June 05, 2006 10:24 AM
To: Cindy Hom
Subject: RE: Public hearing

Hi Cindy,

My concerns are the store located at 1491 South Main Street is VERY close to the pine residential areas and along the common green areas. Selling all types of alcohol will increase the possibility of people drinking close to the residential areas and common green areas.

I used to live close to this store and I saw drunk people along the common green areas and caused trouble. Now I rent out the house and my tenants have small children and I want to protect them. I don't want more people get drunk and cause problems for my tenants. Therefore, I strongly oppose the application.

Please let me know if there is anything else I can do regarding this issue.

Thank you very much.

Cindy Hom <chom2@ci.milpitas.ca.gov> wrote:

Hi Caly,

You can send me your objection in writing via email. Please state what your concerns are.

Thanks,
Cindy

-----Original Message-----

From: Caly Chiu [mailto:caly_chiu@yahoo.com]
Sent: Sunday, June 04, 2006 10:54 PM
To: Cindy Hom
Subject: Public hearing

hi cindy,

re the "use permit amendment no. UA2006-2": request for approval to add sales of all types of alcohol....at 1491 south main street. we have concern to oppose to the request. there is a public hearing on june 14 at 7 PM, however, due to the graduation night for our daughter, we cannot attend. please let me know if there is other ways to oppose to the request, thanks.

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

Cindy Hom

From: Sandra Ponce [mona10142003@yahoo.com]
Sent: Friday, April 28, 2006 8:15 AM
To: Cindy Hom
Cc: Zeeatm@hotmail.com
Subject: [BULK] Supporting Jerry's Market
Importance: Low

I support **Jerry's Market**.

Please approve **Jerry's Market** application to sell hard liquor. I'm a customer and neighbor of **Jerry's Market** located at 1491 S. Main St. Milpitas, CA 95035

Sandra
1452F S. Main St.
Milpitas, CA 95035

April 28, 2006

Love cheap thrills? Enjoy PC-to-Phone calls to 30+ countries for just 2¢/min with Yahoo! Messenger with Voice.

Cindy Hom

To: Caly Chiu
Subject: RE: question

Dear Ms. Chiu,

Thank you for your input regarding the use permit amendment application for Jerry's Market. A copy of your email opposing the project will be provided to the Planning Commission. If you have any other specific concerns or issues regarding this project, you mail email or contact me directly to discuss further.

Thank you for participating in the Planning process.

Best regards,
Cindy Hom
408-586-3284

-----Original Message-----

From: Caly Chiu [mailto:caly_chiu@yahoo.com]
Sent: Wednesday, May 03, 2006 5:49 PM
To: Cindy Hom
Subject: question

ms cindy,

i missed the meeting on 5/1 regarding the proposal by jerry's market to add sales of all types of alcohol...

i owned property closed to jerry's market for rental. i would like to oppose to the proposal, please suggest what i can do, thanks.

Talk is cheap. Use Yahoo! Messenger to make PC-to-Phone calls. Great rates starting at 1¢/min.

From: <gl51802@alltel.net>

Date: 2006/05/01 Mon PM 06:06:50 CDT

To: <chom2@ci.milpitas.ca.gov>

Subject: May 1 meeting notice

Dear Ms. Cindy Hom,

I just got in the mail a postcard postmarked on April 27, 2006 in regard to a Community meeting notice for May 1, at 7pm (which is today)

I am a little disappointed in your lead time. You mail on a thurs for a meeting on Mon?

Does the city of Milpitas react that quickly on anything?

I see you are having a planning meeting on May 24, which is a lead time of another 23 days.

This is very poorly planned.

Please provide the email address for the head of the planning commission and the mayor.

Thanks
George Levy

Cindy Hom

From: Dick M [brtamstar@saber.net]
Sent: Sunday, April 30, 2006 4:13 PM
To: Cindy Hom
Subject: Community Meeting (Jerry's Market)

Ms Hom

I am in receipt of the notice of a meeting at Zanker School regarding the proposal by Jerry's Market to add sales of all types of alcohol. Although I will not be able to attend the meeting my family and I are very much opposed to the sale of MORE alcohol at Jerry's.

D. Mead

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Cindy Hom

From: Eric Orr [ericorr@sbcglobal.net]
Sent: Sunday, April 30, 2006 8:50 PM
To: Cindy Hom; SNJ.Direct@abc.ca.gov
Cc: Zeeatm@hotmail.com
Subject: Jerry's Market liquor license

Please approve Jerry's market application to sell hard liquor. I am a customer and neighbor of Jerry's market located at 1491 S. Main Street Milpitas, CA 95035.

I am in support of Jerry's market obtaining a liquor license.

Eric Orr
201 Summerfield Drive
Milpitas, CA 95035

30 April 2006

--

No virus found in this outgoing message.

Checked by AVG Free Edition.

Version: 7.1.385 / Virus Database: 268.5.1/327 - Release Date: 4/28/2006

Cindy Hom

From: EvansLease@aol.com
Sent: Friday, April 28, 2006 7:28 PM
To: Cindy Hom
Subject: Jerry's Market Liquor license

I am in support of a license being issued to this location. I work in the area of this store & stop there often.

It is convenient & I would like to buy be able to purchase my total wants at this location.

Ralph Evans
31694 Chicoine Ave
Hayward, Ca 94544

Cindy Hom

From: James Tidwell [jamesgtidwell@comcast.net]
Sent: Sunday, April 30, 2006 12:13 PM
To: Cindy Hom
Cc: snj.direct@abc.ca.gov
Subject: Liquor license for Jerry's Market in Milpitas

Dear Ms Hom and Mr. Martin:

I am a resident of the Pines development in Milpitas, and have been for over 30 years. Every morning, I drop into Jerry's Market at 1491 S. Main Street, Milpitas, CA 95035. I like its convenient location near our neighborhood, and the friendly people who work there. I find them decent, hardworking, and very careful about not selling liquor and cigarets to minors.

I don't think putting in distilled liquors will have a bad effect on this neighborhood. Believe me, I would object if they were putting in a bar where drunks could hang out and cause trouble, and make a lot of noise, but this is not the case. I also think these hardworking Milpitas citizens should be allowed the chance to make thier business more profitable. Therefore; I think the license should be issued.

Yours truly,
James G. Tidwell
343 Manzanita Ct.
Milpitas, CA 95035
(408) 263-1183

Cindy Hom

From: george@garlic.com
Sent: Friday, April 28, 2006 11:20 AM
To: Cindy Hom; SNJ.direct@abc.ca.gov
Cc: zeeatm@hotmail.com
Subject: Jerry's market

To whom it may concern.

April 28, 2006

Please approve Jerry's Market application to sell hard liquor. I am a customer of Jerry's Market, which is located at 1491 S. Main Street Milpitas, Ca 95035.

I am in support of Jerry's Market obtaining a liquor license.

George Bunya
17400 Grand Prix Way
Morgan Hill, Ca 95037

Cindy Hom

From: ecorral [ecorral@bayareaprecision.com]
Sent: Thursday, April 27, 2006 7:57 AM
To: Cindy Hom
Subject: JERRY'S MARKET

PLEASE APPROVE JERRY'S MARKET APPLICATION TO SELL HARD LIQUOR. I HAVE
BEEN
AND STILL AM A CUST FOR QUITE SOMETIME. JERRY'S MARKET IS LOCATED AT
1491 S.
MAIN ST IN MILPITAS, CA 95035.

--

Cindy Hom

From: FEROU BAROLIA [fbarolia@msn.com]
Sent: Friday, April 28, 2006 3:56 AM
To: Cindy Hom; snj.direct@abc.ca.gov
Cc: zeeatm@hotmail.com
Subject: Liquor License for Jerry's Market

I shall be very much thankful to you if you allow Jerry's Market to sell Hard Liquor. I am a customer and neighbour of the said store located at 1491 S.Main Street, Milpitas, CA 95035.

I am in support of Jerry's Market obtaining a Liquor License.

Feroz Barolia

755 E Capitol Ave., # C307

Milpitas, ca 95035

See if you've won, play MSN Search and Win

Cindy Hom

From: Sandra Mellado [sandra.mellado@milpitasautobody.com]
Sent: Friday, April 28, 2006 8:12 AM
To: Cindy Hom
Cc: Zeeatm@hotmail.com
Subject: Jerry's Market

I support **Jerry's Market**.

Please approve **Jerry's Market** application to sell hard liquor. I'm a customer and neighbor of **Jerry's Market** located at 1491 S. Main St. Milpitas, CA 95035

Sandra
1488 S. Main St.
Milpitas, CA 95035

April 28, 2006

Cindy Hom

From: micheal gillem [olddog6957@hotmail.com]

Sent: Friday, April 28, 2006 8:13 AM

To: Cindy Hom

Subject: This N That

Good Morning. My name is Micheal Gillem, I live at 1504 S. Main St. Sp. # 4, Milpitas Ca. 95035. I am located almost directly across the street from Jerry's Market and I am in favor of the liquor license being granted. I am a customer/neighbor of Jerry's and think it is a good idea. Thank you for your time. M. Gillem

Find just what you're after with the new, more precise MSN Search - try it now!

Cindy Hom

From: mderow8892-familia@yahoo.com
Sent: Thursday, April 27, 2006 4:12 PM
To: Cindy Hom; Rob Martin
Cc: Ali
Subject: Support for jerry's market

April 27, 2006

Please approve jerry's market application to sell hard liquor. I am customer and neighbor of jerry's market located at 1491 S. Main Street Milpitas, CA 95035.

I am supporting jerry's market.

Lee DeRosa & Teresa DeRosa
(Residents of The Pines)
1196 Sunrise Way
Milpitas, CA. 95035

Cindy Hom

From: nicole perkins [isabelbritoisabelbrito@yahoo.com]
Sent: Thursday, April 27, 2006 10:45 AM
To: Cindy Hom
Cc: zeeatm@hotmail.com
Subject: reg: hard liqu lic.

04-27-06

To whom it may concern ,

I Nicole P. am writing you this letter , of my support for the approval of the "Hard Liquor License " , Being requested by the Jerry's Market (loc. @ 1491 South Main Street Milpitas , Ca. 95035) I've been purchasing items & services from Jerry's Market for a while now , & they are a friendly family owned bussniess that I enjoy and will continue to go to for service . I am in favor of them expanding they're inventory into hard liquor .

*Sincerly ,
✿ Nicole y.Patteson*

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Cindy Hom

From: Dennis A. Smith [wasft1@sbcglobal.net]
Sent: Thursday, April 27, 2006 10:59 AM
To: Cindy Hom
Cc: SJN.Direct@abc.ca.gov
Subject: Hard Liquor License

Dennis A. Smith
500 Glenmoor Circle
Milpitas, CA 95035
408-934-3887

April 27, 2006

Please approve Jerry's Market application to sell hard liquor. I am a customer and neighbor of Jerry's Market located at 1491 S. Main Street, Milpitas, CA 95035.

Thank you,

Dennis A. Smith

Cindy Hom

From: Laura DeRosa [lmdrrglass@pacbell.net]
Sent: Thursday, April 27, 2006 4:08 PM
To: Cindy Hom; Rob Martin
Cc: Ali
Subject: [BULK] Milpitas Resident with Support for Jerrys' Market
Importance: Low

April 27, 2006

Please approve jerry's market application to sell hard liquor. I am customer and neighbor of jerry's market located at 1491 S. Main Street Milpitas, CA 95035.

I am supporting jerry's market.

Laura DeRosa,
Milpitas Resident for 32 years
Employee on main street for 8 years at Roadrunner Glass

Laura DeRosa
258 Krismer Street
Milpitas, CA. 95035

 Laura DeRosa
Sales/Accounts

Roadrunner Glass, Inc.
1452 S. Main Street
Milpitas, CA. 95035
408-263-6771
fax 408-263-6775
lmdrrglass@pacbell.net

Cindy Hom

From: lcap35@aol.com
Sent: Thursday, April 27, 2006 4:16 PM
To: Cindy Hom; SNJ.DIRECT@abc.ca.gov
Cc: zeeatm@hotmail.com
Subject: supportive of jerrys

April 27, 2006

Please approve jerry's market application to sell hard liquor. I am customer and neighbor of jerry's market located at 1491 S. Main Street Milpitas, CA 95035.

I am supporting jerry's market.

David DeRosa
258 Krismer Street
Milpitas, CA. 95035